PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 437 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2005–06

COMPRISING PERIOD
10 October—21 October 2005

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(10/06)

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10 October 2005

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES — VOLUME 437

FOURTH VOLUME OF SESSION 2005–2006

House of Commons

Monday 10 October 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

DEATH OF A MEMBER

Mr. Speaker: I regret to have to report to the House the death of the right hon. Robin Cook, the Member for Livingston. I am sure that Members on both sides of the House will join me in mourning the loss of a colleague and in extending our sympathy to the right hon. Member's family and friends.

WRIT ISSUED DURING THE ADJOURNMENT

MR. SPEAKER *acquainted the House that he had issued, during the Adjournment and pursuant to the Recess Elections Act 1975, a warrant to the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for Livingston, in the room of the right hon. Robin Cook, deceased.*

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Border Security

1. **Mr. Mark Lancaster** (North-East Milton Keynes) (Con): What assessment he has made of the effectiveness of (a) electronic and (b) manned borders; and if he will make a statement. [16777]

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): We are constantly reviewing the efficacy of staffed borders on a regular, intelligence-led basis. There are currently 41 staffed ports, of which 16 are staffed 24 hours a day. We are developing an e-borders programme and a borders management programme, and will deliver a more integrated secure border based on both electronic and staffed components.

Mr. Lancaster: I am grateful to the Minister for his answer. I think that he said that only 16 of the official ports were manned 24 hours a day. Why are the other 13 not manned as well?

Mr. McNulty: The hon. Gentleman should, if he is serious, ask why the 350 ports up and down the country, including regularised and unregularised airfields, are not staffed—*[Interruption.]* I should be very keen to hear the shadow Chancellor's comments on the Conservatives' manifesto commitments. It is clear that we must improve our borders, and we are using technology to do so. Some of that is being implemented already. Hon. Members will be aware that embarkation

controls were first lifted in 1994, and quite rightly. We need to adopt an intelligence-led approach, and that is what we are doing. In answer to the hon. Gentleman's question, some ports are staffed, and some utilise electronics. Over the course of time, we shall get to a stage where we have the secure borders that we deserve.

Andrew Mackinlay (Thurrock) (Lab): Why are the 350 ports not covered by a dedicated police force? Since long before it was fashionable for Her Majesty's Opposition to do so, I have been telling Labour and Tory Ministers that we need a dedicated police force, particularly at our sea ports, to combat organised crime, to wage war against people trafficking and to complement our efforts to wage war against terrorism. It really is time for this Government to appoint a proper dedicated police force—along the lines of the British Transport police or the Ministry of Defence police—so that our sea ports can be secure. A highly mobile force could ensure good coverage of the 350 ports to complement the work of our immigration and customs services.

Mr. McNulty: My answer was a direct response to a question about ports that are staffed 24 hours a day. We do not believe that it is appropriate to staff 350-plus ports on a 24-hour basis, come what may, and I believe that others who investigate these matters would agree with that. The present arrangements have the potential for mobility, and I believe that the job is being done well by the UK immigration service, the police and Customs and Excise. I would ask my hon. Friend not to go down the path taken by the Conservatives of maligning public servants who are dedicated to their jobs.

Mr. Eric Forth (Bromley and Chislehurst) (Con): When is the Minister going to move on from review and waffle to action? All that he gives us is the usual old story that we have come to expect from this Government and from his Department: endless reviews and endless excuses. When will the people of this country be reassured that they can be safe from intrusion by people whom we do not want here and who should not be here?

Mr. McNulty: They will not be reassured by repeating what the Conservative Government did in replacing embarkation controls with nothing in 1994. E-borders and our border management programme are a reality that is being implemented as we speak. We have in place an airline liaison network that is second to none, which is starting to address the problem, long before there is any incursion, on an international basis—something that is being repeated in other countries throughout the world. What is being done is being done now. I shall leave waffle and inaction to the right hon. Gentleman and his hon. Friends.

Chris McCafferty (Calder Valley) (Lab): In the light of the recent case of women-trafficking to the UK, will the Minister tell the House which particular measures are in place to prevent the trafficking of women and to bring the perpetrators to justice?

Mr. McNulty: We have made extensive progress in terms of trafficking; in only the last couple of weeks there have been significant high-profile cases, not least the arrest in Birmingham last week, about which I can say no more. We have made human trafficking a cornerstone of all that we are doing in the Justice and Home Affairs Council during our presidency and we want to ensure that work persists. Those matters are best dealt with at European and wider international levels and the Government have an excellent record in that regard.

David Davis (Haltemprice and Howden) (Con) *rose—*

Hon. Members: Hear, hear.

David Davis: I am flattered. The Labour party must have been watching the Tory party conference. They should enjoy themselves; we allow heckling.

Whether e-borders or physical borders, neither work if they are not properly policed. Can the Minister confirm the number of special branch officers who are established in our ports and airports and can he confirm that the number is actually less than two thirds of the proper establishment? Does that not reveal to the world that the Government have simply lost control of our borders?

Mr. McNulty: That was certainly better than last week, but the right hon. Gentleman can probably do better none the less.

The number of special branch people at our ports, as the right hon. Gentleman should be more than aware, is an operational matter that I shall not discuss across the Dispatch Box, but I can tell him that we are in the middle of recruiting some additional 600-plus immigration officials, many of whom will be deployed at our sea ports and airports.

David Davis: Let me help the Minister with the facts. There are supposed to be 1,400 special branch officers protecting our borders; in fact, there are only 900. That is two years after a report from Her Majesty's inspectorate that described the arrangement as wholly inadequate—a point demonstrated when Hussein Osman, a terror suspect from 21 July, blithely left the country via Waterloo station without being checked at all. Why is it that two years after being warned the Government took no effective action to stop suspected terrorists moving in and out of our country whenever they like?

Mr. McNulty: That is simply not the case. Nor is it the case that only special branch can control our borders; the right hon. Gentleman knows that. A mixture of our customs and immigration people, our police special branch and others deal with the matter and they do so with real operational success. I shall not go into the details of an individual case although I am happy to share the details I have with the right hon. Gentleman should he so choose. Do not malign our public servants, they are doing an excellent job in the most extreme circumstances and I have looked long and hard to find in any shadow Budget mention of the 600-plus immigration officers we are recruiting as we speak.

Mr. Denis MacShane (Rotherham) (Lab): One of the problems with our borders is the trafficking of young

women into Britain to act as sex slaves, many of whom are beaten, intimidated and sometimes tortured. All of them are living in fear. Does my hon. Friend agree that when a woman is intimidated, frightened, living in fear and then has sex with someone there is only one word to describe that act? It is rape.

Mr. McNulty: I entirely agree with my right hon. Friend. As I said before, we are doing much in terms of human trafficking both in itself and as part of our wider policy, including in many of the eastern European states most directly concerned in providing those women, but rape it is and it is as rape that it should be recorded.

Drugs (Prisons)

2. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What estimate he has made of the quantities of drugs taken into prisons by (a) prisoners, (b) visitors, (c) prison officers and (d) other means in the last period for which figures are available. [16778]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): We do not collect information on estimates of quantities centrally. The mandatory drug testing programme, which is the principal means of measuring drug misuse in prisons, shows that the percentage of positive results has halved since 1997.

Recently, the Home Office commissioned qualitative research that identifies supply routes. These were, in order: social visits; mail; newly arrived prisoners; staff; over the perimeter; and after-court appearances. Measures are already in place to target those routes and the report will inform the further development of strategies to reduce the supply of drugs in prisons.

Mr. Bellingham: I am grateful to the Minister and look forward to that report. May I refer her to a written question that I tabled in July? In her reply, she pointed out that a member of staff at Wandsworth was investigated for drug possession in July—not just a normal member of staff, but a junior governor who was found in possession of drugs. As I understand it he did not even face disciplinary proceedings, which seems strange. Does the Minister agree that the drugs problem in prisons is reaching crisis levels and that there should be a zero-tolerance policy towards members of staff who deal in drugs? Will the Government get a grip on the situation?

Fiona Mactaggart: Any member of prison staff who is found dealing in drugs will be referred to the police for criminal prosecution. That is our policy, and that is how we will always proceed where there is evidence to do so. It is much more important to ensure that people face the full process of the criminal law, rather than other action in relation to their employment, and we do that. I agree that we need to have zero tolerance, and that is why I am pleased that we are in the process of reducing the extent of drug misuse in prison.

Paul Flynn (Newport, West) (Lab): Is not it true that, although there has been a reduction, the position remains as it has been for many years now under two Governments? The Minister recently told me that, in the past five years, not a single prison in Britain has been free from illegal drug use. Given the consequences of that in terms of the spread of disease in Britain, particularly AIDS and hepatitis, would it not be better if we concentrated our resources on harm reduction, especially on allowing needle exchanges?

Fiona Mactaggart: I visited a prison the other day where mandatory drug testing has produced zero positive test results for a number of months in succession. I am anxious about the fact that that was outcome for just a number of months, but it is possible, as that prison has showed, to seek to achieve drug-free prisons. We should continue to aim for that goal, but we also need to help the very large proportion of people who come into prison with existing drug misuse problems and to reduce the harm that they face, including when they are released. That is part of the work done in prison by the CARATS—counselling, assessment, referral, advice and throughcare—workers.

Dr. John Pugh (Southport) (LD): Would the Minister care to comment on a letter from my constituent who wrote that his son

"has been trying very hard to stay off drugs but every prison he has been in is over run with drugs which, given his 25 year addiction, is proving very difficult",

and that his son tells him that things are not getting better, but much worse?

Fiona Mactaggart: An individual prisoner might say that, and indeed that might be his experience. I am grateful to the hon. Gentleman for expressing his constituent's concerns, but we are working hard and effectively to win the struggle. Any prisoner can go on to a voluntary drug-testing regime, where they are tested at least 18 times a year, and there are drug-free wings in many prisons, so we already put in place the means to support those prisoners who are determined to end their drug abuse.

Mary Creagh (Wakefield) (Lab): Will the Minister join me in congratulating the staff and governors at Wakefield prison, where there is a 4per cent. drug incidence, as revealed by the mandatory testing regime? Will she make time in her ministerial schedule to come to Wakefield to see the very strict checks that are put in place for every visitor to the prison, whether the chief of police, the Member of Parliament or the Minister? It is a really impressive sight.

Fiona Mactaggart: It is indeed, and our prisons put in a lot of effort. We should not forget that they largely deal with a group of people who have massive drug problems—about 80 per cent. of people coming into prisons have used drugs, and 55 per cent. of them say that they have been addicted. That represents a big struggle, and it is right that we should be determined to overcome it. I am always keen to visit prisons to see their hard work to tackle the menace of drug use in prison.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): The Minister might like to know that every prison I have visited has admitted to having a problem with illegal drugs being brought in. More than three quarters of all prisoners admit to having taken drugs in prison—now,

most commonly, heroin and cannabis— and more than half of all our prisoners admit that their offences are related to drug taking. Why then do only half the prisoners who start drug treatment courses complete them in prison and why do only a third of our young offender institutions provide intensive drug treatment programmes? Is that not a disgraceful record for a Government who said that they would be tough on crime and tough on the causes of crime?

Fiona Mactaggart: It is not. Every prison, of course, has a struggle to deal with drugs. I think I was quite clear about that in what I said earlier. When a prison deals with a population the vast majority of whose offending is drug related, it is inevitable that it will focus on the issue of drugs.

If the hon. Lady stops trying to interrupt me, I will deal with the issue of intensive treatment that she raised. One of the things that we rightly do in prisons is develop particular expertise in particular centres of, for example, intensive treatment programmes or particular education programmes to rehabilitate prisoners. We do not carry out such programmes everywhere, but we offer treatment of some kind in every single prison in the country.

Commission for Racial Equality

3. **Philip Davies** (Shipley) (Con): How many complaints of (a) racial discrimination, (b) sex discrimination and (c) disability discrimination have been made by the staff of the Commission for Racial Equality in the last five years. [16779]

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): In the past five years, staff of the Commission for Racial Equality have made one complaint of racial discrimination, two complaints of sex discrimination and one complaint of disability discrimination. In addition, they have made four complaints of discrimination involving both race and sex.

Philip Davies: I thank the Minister for that reply. Is it not incredible that the body that is given taxpayers' money to stamp out race discrimination in this country actually suffers from complaints of race discrimination itself and uses taxpayers' money to settle some of these cases out of court? Is this not a grotesque waste of money, and is it not time that this politically correct body was abolished before it does any more damage to race relations in this country?

Paul Goggins: The hon. Gentleman is right in one respect: the Commission for Racial Equality has a very important job to do in working towards the elimination of racial discrimination in our country. It does a very good job too.

I might add to the hon. Gentleman that, of the eight complaints received over the five-year period, only six went to employment tribunals and, of those, none was upheld.

Young Offenders (Deaths)

4. **Chris Ruane** (Vale of Clwyd) (Lab): How many children and young people have died in (a) prison, (b) young offender institutions, (c) secure training centres and (d) local authority secure children's homes in each of the past 15 years. [16780]

The Secretary of State for the Home Department (Mr. Charles Clarke): In summary, the number of deaths between 1 January 1990 and 3 October 2005 of those aged 20 and under was 84 in prisons; 96 in young offender institutions; and two in secure training centres, the first of which opened in April 1998. Total figures in respect of local authority secure children's homes are not available. I shall provide the full detailed figures to my hon. Friend and place them in the House Library.

Chris Ruane: I thank my right hon. Friend for that reply. Joseph Scholes is one of the statistics that he has just quoted, and he was a 16-year-old boy from my constituency who committed suicide in a lonely prison cell in Stoke Heath prison. I have been working with his mother, Yvonne Scholes, for the past 18 months to highlight the issue, and I simply wish to relay the concern that she and others have that no parent should have to go through what she has been through. When will proper accommodation be made available for these young vulnerable people?

Mr. Clarke: First, may I pay tribute to the work of my hon. Friend in working on Mr. Scholes's tragic case, which he has been doing in the year and a half since the tragedy took place? My hon. Friend will be aware of the action being taken through the Sentencing Guidelines Council, the chief inspector of the social services inspectorate and the Youth Justice Board to try to ensure that similar deaths do not occur in the future. The Youth Justice Board's draft strategy was published in November 2004 as a consultation document reflecting the lessons from Joseph's case. That strategy has now been approved by Ministers and the full outcome will be published shortly. I hope that it will go at least some way to meeting the concerns that my hon. Friend has expressed.

Mr. David Wilshire (Spelthorne) (Con): I have a women's prison in my constituency. As the Home Secretary will know, some women give birth while serving a prison sentence, although their children are not born in prison. When he is giving answers to such questions in which statistics are produced about numbers of child deaths, will he assure us that infants who die due to medical tragedies that have absolutely nothing to do with prisons will be excluded from the political debate, or alternatively that such statistics will be marked with some asterisk to show that that was the case?

Mr. Clarke: As I said, I am putting full, detailed figures in the House of Commons Library. I shall ensure that specific reference is made to the concerns that the hon. Gentleman reasonably expresses.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that the figures are chilling, whichever way one tries to interpret them? Is he aware that the sensitivity of support for young people in prison must be examined? Has he read the report by the Education and Skills Committee on prison education, and how soon will we get a revolution in the way in which we meet the needs of young people in prison?

Mr. Clarke: The adjective "chilling" is a fair one to use, as my hon. Friend did. I have seen the report by his Select Committee. My colleagues and I have had detailed meetings with the Youth Justice Board to decide the best action to deal with the issues that he raises. I can commit the Government wholeheartedly to reducing the figures. The situation is a tragedy, so we will look at all possible sources, including his Select Committee's report, when deciding the best thing to do.

Mr. Mark Oaten (Winchester) (LD): But as well as these appalling deaths, is the Home Secretary aware that the number of children in secure centres who have self-harmed has doubled—last year the figure was 456? At the same time, 10 people working in such centres who should have been caring for those children have been dismissed for inappropriate action and sexual activity towards children and falsifying suicide watch figures? Is that not an appalling indictment of the way in which the Government are looking after children in such centres?

Mr. Clarke: I do not accept the hon. Gentleman's point. The truth is that we are considering immensely disturbed people with whom it is very difficult to deal in the most effective way, which was why I supported what my hon. Friend the Member for Huddersfield (Mr. Sheerman) said about the need to examine carefully evidence about the best way in which to proceed. I shall not join a witch hunt of specific members of staff who are dealing with difficult circumstances, but I am ready to acknowledge the sincerity of the hon. Gentleman's question and the need for us to be able to take steps to ensure that such tragedies are minimised.

Dr. Nick Palmer (Broxtowe) (Lab): Does my right hon. Friend agree that the incidents of deaths are really the tip of the iceberg? Each of us who know constituents whose children have been sent to any of the four categories of institution reckon that the children will find it extremely difficult to have a decent and successful life afterwards. Will he consider setting up a committee to investigate the best way forward, with international comparisons, to deal with vulnerable children in such a way that we can reduce the impact for them and society?

Mr. Clarke: I agree with my hon. Friend that the situation is the tip of a very frightening iceberg, but we are taking urgent action now. The Youth Justice Board is examining the matter in great detail and listening to advice, such as that from the Select Committee. I would be happy if anyone would like to offer positive proposals about the way in which we could better deal with the matter, but no one should walk away—I know that my hon. Friend does not—from the difficult and problematic issues that must be addressed.

Border Security

5. **Mr. Edward Vaizey** (Wantage) (Con): What plans the Government have to introduce 24-hour security at ports of entry. [16781]

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): There is 24-hour cover at the UK's main 16 ports of entry and a further 25 are regularly staffed. Officers are deployed to unmanned ports to meet specific arrivals when necessary. There are no plans to have personnel manning the 350 ports for 24 hours a day. We are, however, extending the immigration service mobile response capacity based on intelligence to respond to any new or emerging threats.

Mr. Vaizey: The Minister is a fine public servant and I have no wish to malign him in any way, so I simply note with regret that the Government have scrapped embarkation controls and reduced the number of immigration officials, that there are just 10 permanent staff in one in five of our ports and, as the Minister for Immigration, Citizenship and Nationality admitted earlier, that a plethora of organisations are responsible for our borders. As an exponent of the new politics, may I reach across the Chamber and agree with the hon. Member for Thurrock (Andrew Mackinlay) that the time has come for a national security force, and urge the Minister to issue proposals for such a force immediately?

Andy Burnham: I was very interested to hear from a self-styled exponent of new politics. As such, why is the hon. Gentleman sticking with an old-fashioned failed pledge in the Conservative manifesto to have 24-hour coverage at ports? He considers himself something of a moderniser, and I refer him to the article by the hon. Member for Buckingham (John Bercow)—I do not know whether he still speaks to him—in *The Independent* today, entitled "Conservative immigration policy is simply wrong".

Keith Vaz (Leicester, East) (Lab): Does my hon. Friend agree that to succeed, we need the full co-operation of our European Union partners? We have taken steps during our presidency, and there is another meeting of the Justice and Home Affairs Council this Wednesday. Will he and his colleagues look at the operation of the external borders agency to see whether there is a way to improve or extend its scope to help us in this difficult matter?

Andy Burnham: As always on such issues, my hon. Friend is right. Good co-operation has delivered results for Britain. I refer to the juxtaposed controls introduced in Calais and the development of biometric standards. He is right that the border agency has a role in securing the external border of the EU, especially where it fronts transit countries, such as Ukraine. I take on board what he says. We all want to see progress soon.

Mr. Edward Garnier (Harborough) (Con): Why is not the Minister even the slightest bit embarrassed that if someone shouts "Nonsense" at the Foreign Secretary, that person is arrested by the terrorism squad, but if

someone is one of the tens of thousands of illegal entrants into this country who know that our laws on border controls are nonsense, no one seems to do anything about it?

Andy Burnham: I am not sure how that question follows. The hon. and learned Gentleman stood on an election manifesto that committed the Conservative party to 24-hour coverage of all 350 ports of this country. I am happy to stand here and say that that ludicrous policy would have wasted many millions of pounds. Instead, the Conservatives should have deployed an intelligence-led approach, which is what we are doing. I have no embarrassment in defending our policy because it is right.

ASBOs (Plymouth)

6. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): If he will make a statement on the use of antisocial behaviour orders in Plymouth. [16782]

The Minister for Policing, Security and Community Safety (Hazel Blears): Antisocial behaviour orders are one of a number of tools being used in Plymouth as part of their local strategy to tackle antisocial behaviour. Local practitioners have taken a robust stance against antisocial behaviour and report that ASBOs have been effectively used alongside other interventions, such as acceptable behaviour contracts and injunctions.

Linda Gilroy: I thank my right hon. Friend for that reply. I hope she agrees that it is important to give confidence to victims. In reviewing antisocial behaviour orders, will she consider changing the law so that appeals by perpetrators involve a paper-based system rather than a full rehearing, which means that the victims have to give evidence again and ties up the valuable resources—the time and the commitment—of antisocial behaviour units.

Hazel Blears: I am only too well aware of the impact that antisocial behaviour can have on victims and witnesses. I congratulate Elaine Holland and Jane Kemp from Plymouth who bravely took a stand and have since set up their own helpline to help other victims and witnesses in the Plymouth area. My hon. Friend has been a tireless campaigner on those issues in her local community for many years. I am happy to consider her suggestion. I am always keen to see how we can make our antisocial behaviour legislation focused, effective and practical in protecting the rights of the law-abiding majority.

Mr. Gary Streeter (South-West Devon) (Con): I am sure that antisocial behaviour orders have a part to play, but can the Minister explain why, despite five years of ASBOs, antisocial behaviour by young people in my constituency, in particular in Plympton and Plymstock, two suburbs of Plymouth, is getting worse? Will she review the use of ASBOs to see whether the Government can come up with additional measures that might help to take some of the menace and intimidation off the streets of Plymouth?

Hazel Blears: I have always said that our campaign against antisocial behaviour is not simply about enforcement, important though that is; it is also about support. We now have more than 6,500 parenting orders, and we have recently introduced the individual support order, which runs alongside the antisocial behaviour order to try to tackle the causes of antisocial behaviour. These are significant issues which affect the constituency of every Member of the House, so we must have a range of tools to enable us to tackle them. We are being tough on antisocial behaviour and tough on the causes of antisocial behaviour. I can tell the hon. Gentleman that in recent years, according to the British crime survey, the number of people experiencing antisocial behaviour as a significant problem has decreased significantly. Clearly, however, we have much more to do.

Criminal Assets

7. **Mr. Jim McGovern** (Dundee, West) (Lab): What the total amount of criminal assets recovered in 2004–05 was. [16783]

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): The total value of criminal assets recovered in 2004–05 in England, Wales and Northern Ireland was £84.4 million. That was a record amount exceeding the previous year's total of £54.5 million.

Mr. McGovern: I am grateful for that response. The United States in particular has made great play of the amount of money it has seized in terrorist assets. What assessment does the Minister make of the deterrent value of such actions and statements? Does he favour a more public approach to the seizure of criminal assets in general and terrorist assets in particular?

Paul Goggins: I thank my hon. Friend for his question. Whether those assets are funding terrorist activity or other criminal activity, the message from this Parliament and this Government is that they can no longer be relied on because we want not only to prosecute and convict people for the offences that they commit but to strip them of their assets and make sure that the proceeds go back into funding front-line services.

Dr. William McCrea (South Antrim) (DUP): Will the Minister ensure that every assistance will be given to those seeking to recover the criminal assets of Slab Murphy, a leading Provisional IRA man—especially in Manchester?

Paul Goggins: I can confirm that there was a certain amount of activity in Greater Manchester last week, when searches were carried out on a number of domestic and business properties associated with two Manchester-based business men. The properties are estimated to be worth over £30 million. The information that is being gathered as a result of those searches will be reviewed, and a decision will be made in due course whether to apply for a freezing order or an interim receiving order.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the figures that the Minister has given us. The work of the Assets Recovery Agency has particular significance in Northern Ireland, given the problems of prosecuting former paramilitaries there. Will the Minister assure me that the agency will pursue those former paramilitaries who have made money illegally in Northern Ireland and invested it in legal businesses in the rest of the UK, that they will be prosecuted and that their assets will be recovered to the communities, as should be the case?

Paul Goggins: I can confirm that. As my hon. Friend probably knows, the Assets Recovery Agency has a dedicated office in Belfast. I am very encouraged by the fact that last year the agency raised £4.7 million and restrained £17 million of assets. The message is clear: whether people are from Northern Ireland or the mainland, if they have assets built on criminality—if they have houses, yachts and a lifestyle based on criminality—we are after them, and we will reclaim those assets and put them to good public use.

Mark Pritchard (The Wrekin) (Con): Does the Minister agree that the current system does not incentivise police forces such as West Mercia because assets and cash recovered go to the Treasury, which keeps most of that money rather than returning it to police forces, which is what they want? Would not police forces be incentivised if they were allowed to keep all the money rather than it being creamed off by the Treasury?

Paul Goggins: I hope that the hon. Gentleman will be encouraged to learn that only a few weeks ago I was able to send back £13 million of recovered assets directly to front-line policing. We estimate that in the coming year some £30 million will be recycled to police front-line services. Indeed, in 2007–08, half of all money gained by front-line agencies will be returned to them. There is a clear incentive to law enforcement agencies operating in our communities: the more cash and assets they seize, the more money they will get back.

Mr. Lindsay Hoyle (Chorley) (Lab): The figure mentioned of £84.4 million is presumably spread across the different police forces. Is the money divided equally or is it given back to the police force that seized it, such as that associated with drug dealing in Lancashire?

Paul Goggins: The money is returned in proportion to the level of assets recovered by a particular police force. I draw my hon. Friend's attention to a statement that I made before the summer recess. He might want to check how well his police force has done, as might many other Members.

Asylum Seekers

8. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): What his Department's policy is on returning failed asylum seekers to Somalia. [16784]

The Secretary of State for the Home Department (Mr. Charles Clarke): As with failed asylum seekers of all nationalities, Somali claimants who have been found by the Home Office and the independent appeals process not to be in need of international protection and who therefore have no legal basis of stay in the UK are expected to return to Somalia. The Home Office works with the International Organisation for Migration to facilitate voluntary returns of failed asylum seekers to any region of Somalia. Where an individual does not return voluntarily, removal may be enforced. As with all countries, returns of failed asylum seekers are considered on an individual case basis, and the circumstances in the country are taken fully into account.

Dr. Starkey: I thank the Home Secretary for that clarification. Given that Somalia is the ultimate failed state, I am slightly disturbed that we are returning people there. However, if we are, I have to report that I have a number of constituents who are failed asylum seekers who have not been given any indication of how they are supposed to get back to Somalia or offered the route to do so, and who are simply being left unable to work and without benefits. I urge the Home Secretary to try to ensure that his policy is joined up on the ground, because at the moment it seems that we are simply trying to starve people back to Somalia, when we ought to be acting humanely and giving them the means to be transported back rather than left here in limbo where, I am afraid, they are tempted to move into crime and illegality.

Mr. Clarke: All the main applicant failed asylum seekers who were returned in the first half of 2005 to Somalia were voluntary returnees. However, I take very seriously what my hon. Friend has just said to me and I will ask my office to get in touch with hers in order to see how we can facilitate such voluntary returns in the case of her constituents.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The problem is that most of the Somalian Government are in exile in Kenya and fearful of returning to their country. Is the Secretary of State talking with the Foreign Office about its pursuing direct negotiations with the exiled Somalian Government in Kenya to try to secure their support in resolving the situation?

Mr. Clarke: We are in touch with the Foreign Office regularly on all cases, precisely to facilitate such situations. I emphasise again that the security of the circumstances in the country in question is of principal concern to us in deciding on any removal.

9. **Jim Sheridan** (Paisley and Renfrewshire, North) (Lab): What recent steps he has taken to tackle illegal working by asylum seekers in the UK. [16785]

The Secretary of State for the Home Department (Mr. Charles Clarke): The Government are firmly committed to tackling illegal working from whatever source—overstayers, illegal immigrants or asylum seekers. Our strategy involves increasing enforcement, encouraging compliance by business, and developing joint working between a range of agencies responsible for enforcing workplace regulations. We have taken steps to strengthen the legislation on preventing illegal migrant working by reforming section 8 of the Asylum and Immigration Act 1996 and by supporting my

hon. Friend's initiative on gangmaster licensing, on which he is to be highly complimented. We are also introducing new measures for a civil penalty regime and a tougher criminal offence for employers in the Immigration, Asylum and Nationality Bill, currently before the House.

Jim Sheridan: I thank my hon. Friend for that response. He will be aware that the Gangmasters (Licensing) Act 2004 was set up to protect asylum seekers or any other migrant worker from exploitation by unscrupulous employers, but I am concerned by reports reaching me of civil service interference with the smooth operation of the Act. Will he therefore assure the House that the Government will continue to support the Act in order to protect vulnerable workers, that the same level of resources will continue to be made available, and that any interference with or dilution of the Act will be brought before this House?

Mr. McNulty: I can certainly give my hon. Friend that assurance. He knows that all the Act's key provisions are now in force and that regulations establishing the Gangmasters Licensing Authority were made in March. The authority will drive out illegal employment practices by agricultural labour providers. The Department for Environment, Food and Rural Affairs consulted on the draft exclusions regulations in February and on the appeals regulations in March. The authority commenced work on 1 April and is preparing a consultation paper on licensing standards. Both DEFRA and the authority are working to ensure that licensing can be introduced from April 2006. None the less, I hear my hon. Friend's comments with concern and I shall ensure that we do what we set out to do through his Act.

Annette Brooke (Mid-Dorset and North Poole) (LD): What consideration has the Minister given to issuing temporary work permits to encourage legal working? One of my constituents, a talented athlete, is a failed Zimbabwean asylum seeker who has permission to stay in this country at least until February, but the notice specifically stated that he must not undertake any paid, or even unpaid, work during that considerable period.

Mr. McNulty: We are always considering such matters. The hon. Lady makes a fair point, but I repeat what I have said on a number of occasions: the asylum system is not a route for economic migration. Those whose claims are unfounded and who fail in the asylum system can and should use other routes, but only after they return to their country. People tell me that the asylum system is a welfare system, an economic system, or a labour market regulatory system, but it is none of those things. It is bounded by the 1951 convention and is rightly there for those who are fleeing political persecution.

Tony Lloyd (Manchester, Central) (Lab): Bearing in mind my hon. Friend's comment that the asylum system is specifically for those who fear persecution, what sense does it make for taxpayers, public spending or asylum seekers themselves if they cannot work in our society? Many asylum seekers could and would work and everyone would be better off if they were allowed to do so.

Mr. McNulty: As I said, we keep that matter under constant review. Clearly, however, our aim in the first instance should be to make the decision-making process from start to finish, all the way through to the point of appeals being exhausted, as quick as possible without losing the integrity of that process. I fully accept that it is not right or proper that, sometimes after four or five years, people have exhausted the asylum process but there is still no finality.

Mr. Humfrey Malins (Woking) (Con): Does the Minister accept that the offence of illegal employment is widespread and has increased dramatically over the past eight years under the Labour Government? They have sat back and watched the problem of illegal employment growing and chosen not to enforce the existing law, with only a handful of convictions in the past eight years. In view of the Government's poor track record in that respect, how can we have any confidence in either the Minister's desire or his ability to enforce the new criminal penalty set out in clause 17 of the Immigration, Asylum and Nationality Bill?

Mr. McNulty: That is a rather sad broken record. I hope that the hon. Gentleman's contributions will improve in the Committee on the Bill. A robust intellectual debate is needed on immigration and asylum policy. I hope that, like his hon. Friend the Member for Buckingham (John Bercow), the hon. Gentleman will participate in that debate, rather than constantly throw out such drivel. As for his point on section 8, yes, of course it has not been terribly successful, in part because of the cumbersome nature in legal terms of the criminal dimension. It is right and proper that we, as a listening and responsive Government, review that provision and establish through the new Bill a civil penalty regime, which we think will address the problem. Make no mistake, we will deal promptly with illegal working. If the hon. Gentleman wants a serious debate, he should come and join us.

Section 30 Orders

10. **Mrs. Claire Curtis-Thomas** (Crosby) (Lab): What assessment he has made of the effectiveness of section 30 orders in Crosby; and if he will make a statement. [16786]

The Minister for Policing, Security and Community Safety (Hazel Blears): Merseyside police have designated one area in Crosby under section 30 of the Anti-social Behaviour Act 2003. The power enables police to disperse groups who are causing intimidation, harassment, alarm or distress and to return unsupervised young people in public places to their homes after 9 pm. The police believe it has been an effective tool in reducing instances of antisocial behaviour in the area in question.

Mrs. Curtis-Thomas: Yesterday, I was in a park affected by a section 30 order. It became apparent that a little girl of 10 and a little boy of six were there alone.

Their parents had no idea where they were. During the afternoon, the little girl had had a bottle of beer thrown on her and sustained an injury. What will my right hon. Friend do to tackle parents who are not responsible for their children and leave them at the mercy of gangs of boys who we would prefer to see gone from our community? What will we do to ensure that the section 30 orders that we enjoy are sustained and become a normal part of our lives so that responsible and decent citizens can enjoy their leisure time in safety?

Hazel Blears: My hon. Friend knows that I visited her area relatively recently, when both of us talked to a group of young people in Crosby who were concerned that antisocial behaviour powers should be used to protect them from antisocial behaviour. One reason why they were unable to use their local park and other facilities was that gangs were hanging around. I assure my hon. Friend that not only are we urging the use of section 30 powers, we hope to have a renewed drive on parenting orders. We have issued 6,500 parenting orders and it is crucial that parents take responsibility. It is important that dispersal orders are followed up, with action taken by the police and local authorities, to give young people more constructive things to do with their leisure time. That will be another strand of our activity. My hon. Friend made the important point that it is for parents to take responsibility for what happens to their children and their families. We shall ensure that that happens, both voluntarily and, if necessary, through parenting orders.

Asylum Seekers

11. **Tony Baldry** (Banbury) (Con): What estimate he has made of the costs incurred to date by his Department on accommodation centres for asylum seekers. [16787]

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): A dramatic fall in the numbers of individuals claiming asylum, as well as a reduction in processing times for claims, led to a reassessment of the need for accommodation centres. The cost to date of accommodation centres is some £31 million, of which we expect to realise value from some £7.5 million if a prospective removal centre is built on the site near Bicester.

Tony Baldry: The cost thrown away on the Bicester site, according to the Minister's own parliamentary answers, is some £18.5 million. The House of Commons Library has calculated that, in Oxfordshire, £18.5 million would have bought us 3,000 trainee teachers, 600 probationary police officers and some 900 trainee nurses. Does the Minister now concede that that was a scandalous waste of money that would have been much better spent on nurses, teachers and police officers rather than being wasted on the scheme that the Government pursued for so many years?

Andy Burnham: It is true that, in the course of a protracted planning process, in which it was not only those on this side who had a hand, our measures to tackle the delays in processing asylum claims began to take effect. Now, 80 per cent. of asylum claims are taken within two months and the level of asylum support is £280 million less per year than it was in the year when the asylum accommodation centres proposal was made. The landscape has changed considerably. We think it sensible and prudent to take a decision that will mean that, over time, we will have an asylum system that enables us to process claims quickly and keep costs down.

Prisoners

13. **Simon Hughes** (North Southwark and Bermondsey) (LD): What proportion of *(a)* remand and *(b)* convicted prisoners in England are in prison more than 50 miles from their family home; and if he will make a statement. [16789]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): As at 30 June 2005, 13 per cent. of remand prisoners and 39 per cent. of convicted prisoners held in prisons in England were over 50 miles from their home address. Supportive relationships can have a positive effect on reducing reoffending and the National Offender Management Service assists prisoners to maintain their social and family ties through the assisted visit scheme and extended family visits.

Simon Hughes: I am sure that the Minister accepts that having families nearby is very important, especially when prisoners are on remand. She will also know that prisoners whose homes are in the south of England are much more likely to be further away from home because of the nature of the prison estate. Can she make it clear that it is Government policy to ensure that the figure for those who live within 50 miles of where they are in prison increases significantly in the near future?

Fiona Mactaggart: In our expansion of the prison estate since 1997, we have focused additional prison capacity in areas such as the south-east where there was a shortage, for exactly the reasons that the hon. Gentleman identified. He is aware that the Home Secretary made a speech on 19 September to the Prison Reform Trust, in which he highlighted the importance of community and family ties, and that he intends to develop a strategy for community prisons that will connect in the way that the hon. Gentleman described. At present, our prisons are very full, particularly in the south-east of England. That has consequences for prisoners' proximity to their families. We are doing our best to mitigate those consequences.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will the Minister confirm that, because there are fewer women's prisons, the average distance of women prisoners from their home tends to be larger than in the case of male prisoners? Can she say what the Government are doing in that regard? I hope that that does not include building more new private women's prisons close to population centres.

Fiona Mactaggart: My hon. Friend is right that the average distance between home and prison for a woman prisoner is 58 miles, whereas for a male prisoner it is 50 miles. We have already built additional prison

capacity in the women's estate through Bronzefield and Peterborough in the south-east and eastern areas, where there was particular pressure. He also knows that the increase in the number of women in prison, which just a year ago seemed to be continuing apace, has stabilised over the past year. Although we have record numbers of men in prison, we have fewer women in prison than at this time last year. It is right to seek to reduce the use of imprisonment for women offenders where that is not necessary—where they do not represent a threat to the public—and we will continue to do so.

Information Sharing Code of Practice

14. **Mr. Eric Illsley** (Barnsley, Central) (Lab): If he will make a statement on the code of practice on information sharing issued in response to the Bichard report. [16790]

The Minister for Policing, Security and Community Safety (Hazel Blears): In response to recommendations 8 and 9 of the Bichard inquiry report, a new code of practice on police information management was laid before Parliament on 19 July this year. The code was developed for the Home Office by the National Centre for Policing Excellence, with input from the police service and others. It provides for far greater consistency in the management and sharing of information by the police service and will be underpinned by detailed operational guidance, which is currently being developed.

Mr. Illsley: As I understand it, the initial code of practice drawn up under the acquisition and disclosure of communication regulations included the clearing house model. It is clear that some parts of industry established to deal with acquisition and disclosure of information have based their set-ups on that model. Can my right hon. Friend say whether the clearing house model will be retained in the final code of practice?

Hazel Blears: What I can tell my hon. Friend is that the high level code of practice is about key principles of information sharing and management. The detailed operational guidance that we are working on will contain more of that detailed tactical advice and will be issued fairly shortly. What was important about the Bichard report, which will be groundbreaking in the extent to which it changes the way the police service shares and manages information, was that it required not only changes to the way we use information, but changes to the technology that underpins information sharing across the police service to make sure that nobody ever falls through the net again, as happened in those terrible cases that led to the Bichard report.

My hon. Friend raised a technical issue from the point of view of suppliers and I will be more than happy to look into that if he writes or speaks to me about it. I can assure him that the code of practice underpinned by the operational guidance will revolutionise the way the police service shares its information and make it much more fit for purpose.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): The Minister will be aware that better information sharing is being used as an excuse for the unpopular merging of small police forces. Will she give me an assurance that no police forces will be merged other than on the basis of pure facts and not merely on illusory cost savings that are unlikely to be prudent?

Hazel Blears: The current review resulting from Denis O'Connor's report concerns whether we can make our police forces fit for the 21st century, providing protective services to the community that we all serve. In taking forward the consultation, it is vital that forces consider how their services can be provided more efficiently and how they can provide a proper level of protection against whatever crimes we face. This is not about cost-cutting. This is about making sure that our police service is fit to do the job that we all want it to do. I look forward to receiving proposals from the hon. Gentleman's force on how it can improve its organisation to provide a better service.

Business of the House

3.30 pm

The Leader of the House of Commons (Mr. Geoffrey Hoon): With permission, Mr. Speaker, I should like to make a statement about changes to the business of the House for this week. Before doing so, I should like to pay tribute to former distinguished Members of the House and Government who died during the summer recess.

It is perhaps fitting that I should pay particular tribute to a former Leader of the House, Robin Cook. I assume that he would have regarded his time as Foreign Secretary as the pinnacle of his ministerial career, but history will certainly remember him as a modernising Leader of the House of Commons, who carried through wide-ranging reforms to the way in which we go about our parliamentary business.

Mo Mowlam was held in great affection both here in the House and throughout the country, above all because of her simple and straightforward honesty in dealing with the people whom she met, whether the President of the United States or the chef whom she went out of her way to thank during a visit organised by the Ministry of Defence.

The business for Thursday 13 October will now be a motion to approve the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2005, followed by a debate on combating benefit fraud on a motion for the Adjournment of the House. I can also announce that the Opposition day debates on Wednesday 12 October will relate to the regionalisation of emergency services and to climate change.

Chris Grayling (Epsom and Ewell) (Con): I join the Leader of the House in paying tribute to both Mo Mowlam and Robin Cook. I remember arriving as a young, new Member five years ago when Robin Cook was one of the towering giants on the Government Benches. He was a distinguished holder of the office of Leader of the House. I think that even the present Leader of the House would admit that he would be a hard act for any future one to follow. He will be much missed in the House. Mo Mowlam, a distinguished figure for many years who made a major contribution to the Government, will also be missed by people on both sides of the House.

I am grateful to the Leader of the House for the update on the business. Thursday's business relates to terrorism issues. It is only a statutory instrument and, given all the press reports in the last few weeks, we are clearly waiting for the full set of proposals from the Government, so can he give us any indication as to when we can expect those?

Mr. Hoon: Soon.

Mr. David Heath (Somerton and Frome) (LD): I join in the tributes paid to Mo Mowlam and Robin Cook, both of whom not only made enormously distinguished contributions to the work of the House and to Government, but also established firm personal friendships with Members on both sides of the House and maintained great respect throughout their time in the House and beyond.

Will the Leader of the House confirm that, on Thursday, we will debate a single order, dealing with, I think, 15 different organisations, that is incapable of amendment? Will he reflect on the fact that that does not allow for proper and separate consideration of the different organisations involved on their merits, which might be appropriate in this case? I thank him for the fact that the order and the explanatory memorandum are now available in the Vote Office and for the clear notes that are provided explaining the significance of each of the organisations mentioned.

Given that the notes indicate that, as far as we are aware, many of the organisations have no actual membership within the United Kingdom, and therefore we are largely dealing with association or perhaps financial movements, will any subsequent orders be required under the Proceeds of Crime Act 2002? Would it not be appropriate to bring those forward at an early stage, given that, if the Home Secretary feels that there is a proper threat, it is right that the House should consider them at the earliest opportunity?

Mr. Hoon: I am grateful to the hon. Gentleman for making it clear that the draft order is available in the Vote Office, which allows hon. Members to see the details for themselves. At this stage, I do not want to be drawn into a debate about the draft order's contents and I am sure that hon. Members will take full advantage of the normal arrangements for debating a statutory instrument, when they have the opportunity to do so.

Mr. Chris Mullin (Sunderland, South) (Lab): My right hon. Friend will recall that a two-week September sitting to put an end to the nonsense of the 80-day summer recess was one of the wide-ranging reforms introduced by our late colleague, Robin Cook. Now that the nice new screen has been fitted, will he assure the House that the September sittings agreed by Robin Cook will continue in the next parliamentary year?

Mr. Hoon: My right hon. Friend has been assiduous in asking that question—it was the last question he asked before the recess, so it is entirely appropriate that it is the first thereafter. I am relieved to see the screen in place, because my reply to his earlier question made it clear that the length of this year's summer recess was due to its fitting. It is important that we discuss and debate the parliamentary timetable, which the Modernisation Committee will do on Wednesday.

John Bercow (Buckingham) (Con): In endorsing the Leader of the House's gracious tributes to departed colleagues, may I say that Robin Cook, whom I was privileged to know, was an outstanding parliamentarian whose presence enriched this House, which has been greatly impoverished by his passing? Given that anti-terrorism legislation is of the highest importance in establishing the balance between security and freedom, and that it is desirable to try to command as much consensus as possible between the parties, does the

[John Bercow]

Leader of the House accept that it makes a great deal of sense to debate all stages of the Bill on the Floor of the House?

Mr. Hoon: That question does not strictly concern this week's business, but I shall answer it in the spirit in which it was asked. I am sure that the usual channels will consider the hon. Gentleman's point in due course.

Mr. John Redwood (Wokingham) (Con): May we have an opportunity for an urgent discussion this week on the recent European Court of Justice case that increases criminal law jurisdiction by the European Union against the wishes of the Government, whom I support on that issue?

Mr. Speaker: Order. The statement is very restricted, and the right hon. Gentleman is discussing the business of the House.

Mr. Nigel Evans (Ribble Valley) (Con): We will debate issues relating to terrorism on Thursday. The Leader of the House knows that incidents about which hon. Members may want to ask questions have occurred in this country during the 81 days that we have been off. Will he reflect on opportunities for hon. Members to table written questions during the recess?

Mr. Hoon: As I have said, the Modernisation Committee will consider a paper on the organisation of the parliamentary year and I take the hon. Gentleman's suggestion as a contribution to that discussion.

Mr. Andrew Mackay (Bracknell) (Con): Further to the question asked by the hon. Member for Sunderland, South (Mr. Mullin), the Leader of the House will recall the final business statement in July, when, in response to my question, he agreed to a fresh debate and a fresh vote on whether to sit in September. I assume that that promise still stands.

Mr. Hoon: I certainly recall offering a debate, but I cannot recall offering a vote.

Iraq

3.38 pm

The Secretary of State for Defence (John Reid): With permission, Mr. Speaker, I shall make a statement about our operations in Iraq.

On returning to the House, may I first express my sincere condolences—and, I am sure, those of the whole House—to the families of those UK forces personnel who were most recently killed in Iraq: on 5 September, Fusilier Donal Anthony Mead and Fusilier Stephen Robert Manning, both from C company, 2nd Battalion the Royal Regiment of Fusiliers; and on 11 September, Major Matthew Bacon of the intelligence corps, who was serving as a staff officer with the headquarters of the Multi-National Division (South-East). We express our gratitude to those who gave their lives in the service of their country, and we express our condolences to their families and to their loved ones.

Let us remind ourselves of our objective in Iraq. It is to work, along with the rest of the international community, and now the United Nations under United Nations Security Council resolution 1546, to assist the Iraqi people and their elected representatives: first, to establish their own democratic Government and institutions; secondly, to build their own security forces to safeguard that democracy; and thirdly, to develop their economy and civil society. We are helping the Iraqis to build all three of them; the terrorists want to impede and destroy all three of them. That is the battleground. I can put it no better than President Talibani did in *The Times* this morning:

> "The battle of Iraq cannot be won by retreat or compromise, but by the vision and determination for which Britain is renowned."

And that means, as Prime Minister Jafaari said when I met him recently:

> "The presence of multinational forces in Iraq for us is based on need, security need for those forces to support our forces."

The United Kingdom is in Iraq for as long as we are needed, and as long as we need to be there, and no longer than either.

The political process, despite the worst intentions of the terrorists, continues to be on track. Following the elections in January of this year and the establishment of the constitutional commission, the Iraqis have now produced a draft constitution that will be the subject of an historic national referendum later this week. Few people thought that we would get to this point. Preparations are also under way for full, democratic, national elections in December. These are, in any context, enormous strides forward, and, in the context of the continual terrorist activity, hugely significant strides forward which have been made in spite of the terrorist attempts to derail Iraq's progress towards a peaceful and democratic future.

Against this political backdrop, the coalition's top priority is working with the Iraqis to improve the security environment and to build the capability of the Iraqi security forces so that they themselves are increasingly able to take responsibility for delivering law and order. In this we are working not alone, but with 27 other nations under the United Nations Security Council resolution. Despite, again, all the efforts of the terrorists, I can report to the House that we are

beginning to see real progress in building up the Iraqi security forces. There are now more than 190,000 Iraqi security force personnel who have been trained and are capable thus far, and the number of Iraqi units capable of conducting effective counter-insurgency operations is increasing steadily. That means that there are now, for the first time, more trained and capable Iraqi security forces than there are multinational forces in Iraq.

But as everyone involved in this process recognises, there are no quick fixes, and building the Iraqi leadership, command and control, logistics and support structures will take more time. We have always said that our handover to the Iraqis themselves will be conditional upon their developing their own security capabilities, and that we will see the job through until those conditions have been met.

The House may wish to be reminded of the criteria and the terms on which those conditions might be fulfilled, since there has been some demand outside this House for clarification on what is sometimes called the exit strategy. The conditions that will permit the transfer of security responsibility to the Iraqi security forces have been defined by the joint committee to transfer security responsibility, which, as the House may recall, was formed by the Iraqi Prime Minister over the summer.

The basic principles for transfer of security to the Iraqi authorities are based on four broad categories: an assessment of the insurgents' threat level; Iraqi security forces' ability to take on the security task themselves; the capacity of provincial bodies to cope with the changed security environment; and the posture and support available from coalition forces. Those are the criteria; we expect the committee's criteria to be confirmed soon. Thereafter, assessments will be made by the Iraqis to determine which areas of Iraq are ready to transfer to Iraqi control.

I emphasise that we therefore stand by the strategy that we have maintained up to now, which sets out the conditions under which we will hand security to the Iraqis themselves and begin to draw down our forces. I want to emphasise again that we will stay in Iraq until the job is done and that we will not make significant changes to the United Kingdom's force posture in Iraq until we, the coalition partners and, in particular, the Iraqis themselves, are confident that the conditions are right. That was, is and remains our position and any speculation to the contrary is simply wrong. Indeed, I would go further and say that the biggest obstacle now to our leaving Iraq in view of the build-up of the Iraqi forces' capability is the actions of the terrorists themselves. Terrorist activity only delays our leaving Iraq; it does not hasten it.

Turning specifically to the security situation in Multi-National Division (South-East), hon. Members will have seen the graphic television pictures of events in Basra on 19 September. Two soldiers in MND(SE) were arrested by the Iraqi police service and held at an Iraqi police station in Basra. We agreed with the Governor of Basra and the chief of police to collect the personnel from the police station but, as we prepared to do so, it became clear that the two soldiers had been handed to local militia. The decision to mount an operation to enter the police station was then taken—a decision that I fully supported at the time and still fully support.

I am pleased to be able to tell the House that, while one of the soldiers injured on that day is still receiving medical treatment, the others have returned to their units. They all have my thanks and admiration for a job well done, and I believe that they have the thanks of the whole House.

The fact that we were able to mount an extremely complex operation in defence of our own soldiers, which led to the successful rescue of two soldiers held hostage by militiamen without firing a single shot, is a credit to our forces. I can also confirm that the Iraqis have now withdrawn the warrants that they issued later that week for the arrest of the two British soldiers concerned.

I would not wish to downplay the challenges that remain before us. For instance, the arrest of 12 suspects last week on Friday demonstrates our determination to deal robustly with those implicated in improvised explosive device attacks—bomb attacks to the layman—against our UK forces. I can confirm that weapons and other equipment were found in those raids.

Nevertheless, serious as they were, we need to keep those events in perspective. The rest of MND(SE) was unaffected, Basra has remained largely calm since the incident and we have been working hard to restore relations with Basra council so that we can work together for the good of the people in Basra.

On troop roulement and troop presence in Iraq, I very much regret the speculative and often wildly misleading press reports that have appeared since we last met here. I have not discussed any troop roulements in detail until the House returned because I believe that the House should be the first to know our intentions. Unfortunately, holding for that length of time sometimes prompts wild speculation outside.

Let me therefore turn to the details of the next routine troop rotation of UK forces in MND(SE), which begins this month. The lead UK formation in Iraq, currently 12 Mechanised Brigade, will be replaced by 7 Armoured Brigade, which will take over command of UK forces in early November. In addition to 7 Armoured Brigade's Headquarters and Signals Squadron, the following major units will be deployed to replace those currently in Iraq: 2nd Battalion the Parachute Regiment; 1st Battalion the Highlanders; 1st Battalion the Royal Regiment of Fusiliers; 9th/12th Royal Lancers; 1st Battalion the King's Own Royal Border Regiment; the Scots Dragoon Guards; 3rd Regiment Royal Horse Artillery; 32nd Engineer Regiment; and 2 Logistics Support Regiment.

The Territorial Army units involved in this roulement are a single company from the 4th Battalion the Parachute Regiment and a composite company from the West Midlands Regiment and the Royal Welsh Regiment. During what will be a very busy period of troop movements, I have also decided to deploy one company from the Cyprus-based theatre reserve force to relieve the rotating troops of some routine security tasks, such as static security or guard duty. A company of 1st Battalion the Royal Highland Fusiliers will deploy for a few weeks while that rotation lasts.

The total numbers of troops in Iraq following the deployment of 7 Armoured Brigade will be around 8,000. That is about 500 fewer than at present, reflecting the closure of two small bases in Basra, the transfer of some training tasks to the Iraqi security forces and

[John Reid]

structural differences between the two brigades. These are relatively minor adjustments, however, and will not affect the activities being carried out by United Kingdom forces.

We will continue to build Iraqi security capability and to keep the security situation under review during the referendum and through the elections later this year. The Iraqi security forces themselves will lead on security in the referendum, with our support. In MND(SE), we have been assisting the Iraqi army's 10th Division to ensure that it is prepared for this task. Earlier this year, I visited the 10th Division in Iraq.

This summer has seen much positive progress in Iraq, despite the worst intentions of the terrorists. The production of an Iraqi constitution, written by democratically elected Iraqi politicians on behalf of their own people, is a huge step forward. We have no intention of undermining this historic achievement by abandoning Iraq before it is ready to stand on its own two feet, or before its democratically elected politicians feel that to be the case. Of course, we will encounter more obstacles. There will be more major hurdles to overcome, particularly in the run-up to the elections in December, when a minority of the Iraqis and some from outside—the terrorists—will almost certainly seek to disrupt Iraq's progress towards security, democracy and self-determination.

The recent discovery and recovery of more than 160 more bodies from a mass grave in the al-Muthanna province in MND(SE) is a sober reminder of the horrors that the Iraqi people have had to face in the past, and of the reasons why we must continue our efforts to support them in building a better future, embracing democracy and free from tyranny. So, while we do not want to be in Iraq any longer than is absolutely necessary, we will not be deflected from our task. We have made a commitment to the Iraqi people; it is important that we honour that commitment and see our task through, and that is what we will do.

Mr. Michael Ancram (Devizes) (Con): I thank the Secretary of State for his statement and for giving me advance sight of it. On behalf of my colleagues, I join him in sending condolences to the families of those who have so bravely but tragically lost their lives. I also join him in paying tribute to our armed forces serving in Iraq. In the face of severe dangers, their courage, commitment, professionalism and loyalty are a matter of great pride and an example to us all.

For all the Secretary of State's brave words, however, the situation in Iraq today is grim. There are now about 500 insurgent attacks each week, fuelled by growing outside interference, not least in MND(SE). The price is indeed being paid for the crass decision to disband the Iraqi security forces after the war—a decision that gave the insurgents their opening.

Today, the Secretary of State has again reiterated that we should stay in Iraq, in his words, until our job is done. I agree, but the critical question is how he defines the job and who makes that crucial assessment. According to the Secretary of State it is the Iraqi Government. Of course, they have an absolute right to ask us to go if they wish us to do so, but surely their right to ask us to stay cannot be open-ended. Ultimately, is not it for us and no one else to decide on the deployment of our armed forces and when they should begin to draw down?

I have noted what the Secretary of State said about troop rotations. I listened with surprise at the pride with which he mentioned the names of some of those regiments—ironic in light of the fact that at the same time he is trying to abolish so many of those same regiments. The 1st Battalion the Royal Highland Fusiliers is to be deployed for the third time. I might ask him has its rifle company, which was stranded in Jordan for lack of air transport, been recovered? He has confirmed that a date has been set for the withdrawal of 12 Mechanised Brigade, but for how long will there be an overlap between the reserve battalion coming in and the brigade before that withdrawal takes place?

The House also noted what the Secretary of State had to say about the developing capability of the Iraqi security forces. I must press him a little on that. He tells us that 190,000 personnel have been trained so far and that the number of capable units is increasing steadily. However, is not it the case that, as the top United States commander in Iraq, General Casey, told the Senate last week, only one Iraqi army battalion seems fully capable of fighting independently and is not that two fewer than was the case only two months ago?

In MND(SE), with the apparent serious level of infiltration of the security forces by Iranian-backed insurgents, something on which the right hon. Gentleman has had little to say so far today—I hope he will say more—how confident is he that those forces will be able to take over in the short to medium term? Indeed, what estimate has he made of such infiltration? Does he now accept, for instance, that many of the latest roadside bombs are of Iranian design and manufacture? I understand that, as a result of the increased attrition from roadside bombing, our forces in MND(SE) are relying heavily on the use of helicopters. Are there enough helicopters to meet those new requirements and how many of them are having to be commercially contracted?

Finally, will the Secretary of State take this opportunity to say whether there is any truth in the rumour that coalition representatives are seeking to open channels of communication with at least some of the insurgents?

The whole House and the nation are proud of our armed forces. I, too, pay tribute to Brigadier John Lorimer, commander of 12 Mechanised Brigade and his troops for their remarkable action in rescuing the two captured soldiers two weeks ago. Our forces throughout have carried out their tasks with all the fortitude and courage we would expect from our British Army, and our thoughts are with them all in the task that lies ahead.

John Reid: I thank the right hon. and learned Gentleman for his words of support and his plaudits for our forces. They are well deserved and his views are reflected on both sides of the House.

The right hon. and learned Gentleman asked how the job being done would be measured and by whom. I hope that in the four criteria that I outlined in my statement I have set out the how part of that—in other words, the criteria by which we shall judge the job being done. The

capacity of the Iraqi security forces to take the lead themselves will be judged first, on their numbers and capability; secondly, the level of capacity of the provincial government to deal with the new security situation; thirdly, the level of support that it is necessary for us to give them; and, fourthly, the level of the terrorist threat.

As to the when, will that be an event? No, it will be a process. Will that process achieve the necessary conditions in every part of the country at the same time? No, so geographically, and in time lines, it will be a continuing process. Who will decide that? Obviously, at the end of the day every sovereign nation, including ourselves, has the right, if it so wishes, to make any decision that it wishes. The right hon. and learned Gentleman, or any other hon. Member, would not want us to take a decision that dishonoured a pledge that we made to the Iraqi people and to their democratically elected representatives. Of course, the decision will be made in consultation with the Iraqis. At the end of the day, the truth is that we do not want to be there any longer than necessary. Quite frankly, the Iraqi politicians, who are democratically elected and accountable to their people, do not want us there any longer than we are needed and necessary either. That is precisely what Prime Minister Jafaari and I said at the press conference some two weeks ago. However, if we read what he and President Talibani said this morning, it is obvious that the minority of terrorists who are attempting to claim that we are not there with the support of Iraqi people are being absolutely misleading. We are there, with the support of the Iraqi people, for as long as it is necessary to secure their own developing democracy.

The right hon. and learned Gentleman asks about air transport, and he has written to me on that point. I can tell him that we have done everything that we can to overcome those difficulties, and they have been overcome. Without going into details, the problem is very often not the aircraft, but having suitable aircraft with defensive suites. The safety of our troops travelling in and out of Iraq is paramount, and we have now managed to overcome the difficulties. The right hon. and learned Gentleman asked about the transitional period during which it is envisaged that the company from the reserve theatre in Cyprus might be deployed in Iraq. That is of the order of six weeks in operational terms.

The right hon. and learned Gentleman asked about the police in Basra and infiltration. In any theatre of combat in the world where competing factions have been at war with each other there is always a problem of split loyalties when rehabilitating and restructuring the police force afterwards. The question is not whether those split loyalties exist, but whether we can diminish them by human rights training and training the police to be as objective as possible. Wherever we look in the world, we find that policing is very often the last nut to be cracked. Incidentally, that applies in our own country, as well as in Bosnia or anywhere else. However, although there are certain elements in the police service in Iraq about whom we ought to be worried, I would not want him to believe that that is the majority or anything like it. Let us remember that every time Iraqi policemen put on their uniforms in the morning, they go out to face the threat of death. Many of them have died leading operations. Even in Basra, there were police around the Jameat police station trying to ensure that the 250 to 300 militant demonstrators did not approach it. So it is not the case that all the police, even in Basra, were antagonistic towards us.

We keep the issue of helicopters under review.

On the question of whether we reach out to Sunni politicians, I have to say that we reach out to everyone in Iraq. We will combat the terrorists, force with force, for as long as they deploy it. However, for any Sunni politician who wants to get involved in the process, we encourage the Shi'a to reach out their hands and arms to the Sunnis to be inclusive, and we encourage the Sunni politicians to engage in politics, not terrorism. That is the position that we take, and I think that it is the right one.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): The whole House will be grateful to the Secretary of State for making his comprehensive statement this afternoon, immediately on our return. I join him and the shadow Secretary of State in offering condolences to the families and loved ones of those in the British armed forces who have given their lives on active service.

I also pay tribute to the continued bravery, dedication and professionalism of those in the armed forces who serve in Iraq, highlighted graphically by the appalling attacks on British forces in Basra and the events that followed. Does not that terrible episode, among many others, illustrate that the situation in Iraq is getting worse, rather than better? Should there not now be serious concerns about the relationship with the Iraqi security forces in Basra, given their apparent infiltration by the militias? Specifically, what resources are being channelled into improving intelligence gathering and force protection for our armed forces?

The Secretary of State highlighted the setting up the joint committee to transfer security responsibility, which is an important development. What steps are now required to confirm the principles and criteria set out in his statement? Have the events in Basra altered the time scale for the transfer of security responsibility to Iraqi forces in MND(SE) and what is his assessment of when that may now occur? Although we may all agree that we must not cut and run, just how long a haul does he now believe will be necessary before our troops will have finished their job?

John Reid: I thank the hon. Gentleman for his remarks about my making the statement immediately on the House's return. I wanted to do that because, on matters of life and death, I think that the House is entitled to an early statement. That is why I came to the House today.

I also held back the announcement of the troop roulement, so that the House could be the first to know. That has its disadvantages and I ask the House to bear with me. When I refused to answer questions on the issue over a period of several months, we got the speculation that we see in the press. One weekend, they say that everyone is immediately coming out of Iraq; the next, they say that there will be no withdrawal. I hope that hon. Members understand that none of this is our doing. I thank the hon. Gentleman for his words on that.

[John Reid]

The hon. Gentleman says that the situation in Iraq is getting worse, but that is not a true picture. The situation is getting better in terms of the development of democratic agreement and institutions. The Iraqis have achieved in 14 months what it has taken this country several centuries to do, namely, to reach a general agreement on the disposition of devolved powers versus central powers and the coming together of the ethnic groups. That has taken something like several hundred years in this country, so let us give them credit for that. Previous combatants have come together to forget all their previous difficulties and to try to reach a conclusion.

The Iraqis have also made great progress—it is not getting worse—in their own security, which is the second objective. Despite everything that the terrorists are doing, the Iraqi security forces are becoming better trained, are more capable and are getting better and greater numbers than ever before.

The Iraqis are making some social and economic advances. They are not as fast as I would like—I fully admit that—because of terrorist activity, but there is a little more electricity than there was, a little more opportunity than there was and something like 240 hospitals are now operating that previously were not. Hundreds of thousands, if not millions, of kids are being vaccinated and a large number of schools are being rehabilitated, so there is some advance.

Against that, as the position gets better, the terrorists will get worse. They are involving themselves more and more viciously and frenetically. They are murdering children, and ordinary working Muslim men and women in Iraq are being massacred in their hundreds—cumulatively, in their thousands—in an attempt to destroy all these things.

I think that we should paint a balanced picture, giving credit to the democrats and the vast majority in Iraq rather than concentrating on the evil successes of those who are trying to destroy things. Part of that involves making sure that we put enough resources into the intelligence-led operations that the hon. Gentleman mentioned. I can tell him that the 12 arrests that took place on Friday were based on intelligence leads and that it was the British acting on their own who carried them out.

In terms of time scale, I say this: to give an immutable time scale to say that we will leave tomorrow or next month on a specific date is to send a postcard to the terrorists saying, "Hang on in until this date." We will not do what the Liberal party has asked us to do—either what has been asked by its leader, which is to cut and run immediately, or what has been asked by the hon. Gentleman and his colleague, which is a different thing. I have noticed the not so subtle difference between their and their leader's statements.

In fact, the hon. Gentleman's colleague has asked us to do what precisely what we are doing, which is to set out the terms on which there would be a handover. In all honesty, I have tried to do that today, and that is what we have done all along and will stick to. When the Iraqis have the capability and desire for us to go, we will go, but what we will not do is cut and run from the terrorists because things are getting tough or give the terrorists a date by which we will go, as that would be an invitation to them to hang on in until that date.

Chris Bryant (Rhondda) (Lab): I was glad that the Secretary of State paid tribute to many people in the Iraqi police force, not only because we must build the police force as a strong body that is independent and free from corruption and infiltration if we are to achieve a decent civil society, but because the courage and dedication that many officers show just to go to work every day is quite extraordinary. I hope that all hon. Members agree with that. The right hon. Gentleman will know that the relationship between British troops and the local police force in any country in which they operate is often one of the most complicated and difficult—that is certainly true in Bosnia and Herzegovina and also in Kosovo. What measures is he putting in place to ensure that that relationship improves, that we have dealt with infiltration into the Iraqi police force, and that the special role that the British armed forces have often played in many parts of the world to build civil society is brought to the fore?

John Reid: I thank my hon. Friend for his comments about the police because we must be balanced and remember that it takes a lot of courage to put on a police uniform in Basra, Baghdad or anywhere in Iraq, yet thousands of people are doing just that. We are trying to give what help we can not only to train people in the police service, but to promote quality—human rights, objectivity and neutrality. I do not pretend that there is a magic wand that we can wave. However, we have about 100 specialist police officers there at present. We have trained some 14,000 Iraqi police and we hope that the number will be 25,000 by the end of next year.

I do not underestimate for a moment the amount of time or the difficulties with training that are in front of us. However, to answer my hon. Friend's implied question—and the specific question asked by the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore)—I do not envisage a change to the projected time scale in which we might think that conditions would come to fruition to enable us to hand over. I see no reason to change the view that I held earlier in the year that we could start such a process during the course of next year.

Mr. James Arbuthnot (North-East Hampshire) (Con): We expect a lot of our troops and they never let us down, and now is not the time to call for British troops to be withdrawn from Iraq. However, how difficult is it for the Secretary of State to recruit and retain those troops at the moment? Will he give us current figures for recruitment and retention, not only in the Regular Army, but the Territorials? Is he worried, as I am, about overstretch in Iraq?

John Reid: I thank the right hon. Gentleman, who now has an important position in holding the Government to account as Chairman of the Defence Committee, for his comments about the British forces. He is right that when they are asked to do something, they do it. They do not take part in controversy, debates or decisions—they just go and do it.

The right hon. Gentleman asked whether it is difficult to recruit. Yes, it is, and it has been for some time. We can speculate about the reasons for that and do what we can to try to discover and address those reasons, but one reason is certainly high employment and low unemployment, which has been the case for a while. The controversy surrounding training, Deepcut, bullying, Iraq and other issues probably does not help to convince the gatekeepers—the mums and dads—of the attraction of the armed forces. A range of issues might make it more difficult to recruit to a professional Army.

I have recently returned from Afghanistan, India and Pakistan. My hon. Friend the Minister with responsibility for the middle east has visited Basra and elsewhere in Iraq. My right hon. Friend the Minister of State and I spend a lot of time with troops, so I can tell the right hon. Member for North-East Hampshire (Mr. Arbuthnot) that morale is high. Troops are given a great welcome by many Iraqis and by people in Afghanistan who recognise the important job that they are doing, contrary to some of the impressions given by the media here. His first comments welcoming the role that the troops are playing are an antidote to some of the reasons why we might be finding recruitment difficult.

Mike Gapes (Ilford, South) (Lab/Co-op): In January, 8.5 million Iraqis bravely voted. That is about 60 per cent. of the people—a similar number to those who vote in our elections—and they had to defy terrorist bombs and threats of beheading. Part of the success of that election was due to the security ring around polling stations, in which the coalition forces played an important role. What measures are planned to assist with the security of the vote on 15 October and for the hoped-for parliamentary elections planned for December?

John Reid: A great deal of thought has been given to that. Just as the terrorists have increased their activities in an attempt to disrupt and destroy those two steps in the democratic process—the referendum and then the elections—so, too, have we and, in particular, our allies and the Iraqi security forces made plans to try to ensure that Iraqis vote in peace. It is a symbol of the choice that is before us. However any hon. Member regarded the initial intervention in Iraq, the choice today is different. It is simply between the terrorists on the one side, who want to destroy democracy, and the United Nations, the multinational community and the Iraqi democrats on the other—*[Interruption.]* I am being shouted at. I do not know what is being said, but I commend the remarks made this morning by President Talibani, who said:

> "Similarly, those who attack mosques and churches, who murder schoolchildren and labourers, who behead foreigners and who kidnap humanitarian workers are not engaged in 'resistance'. Those sabotaging Iraq's first democracy bear no resemblance to the resistors of foreign occupation in wartime Europe. Rather, they are, in their ideology and record, contemporary representatives of the fascism that wreaked such havoc 60 years ago in Europe. They are supremacists and racists, as worthy of our contempt as those who practised apartheid in South Africa."

I will stand by the words of the elected President of Iraq rather than by the terrorists who attempt to undermine democracy.

Mr. Crispin Blunt (Reigate) (Con): Last week in a press conference with President Talibani, the Prime Minister seemed to accuse the Iranian Government of involvement with the insurgency in the Basra area. The Secretary of State has not mentioned anything about that. Can he tell us about the reports of the use of shape-charged weapons against British forces which appear of a quality and a calibre that can be produced only under the auspices of a Government? Will he give a further analysis of the situation in Basra? Will it be considered for an early turnover of responsibility to the local Iraqi forces, because the situation there is different from that in the rest of the country?

John Reid: On the second point, despite the difficulties that arose recently in Basra, in general terms the MND(SE) has had a better record of presiding over tranquillity and has experienced a lower number of incidents than many other parts of the country. We would want to study carefully whether the area might merit a handover earlier in the process rather than later.

I think that the hon. Gentleman was specifically asking whether the improvised explosive devices—the bombs—that have been used against our troops originate in Iran or have an Iranian connection. We cannot be sure of that at the moment but, as the Prime Minister confirmed last week, it is clear that new explosive devices have been used—incidentally, not just against British troops, but elsewhere in Iraq—and that the particular nature of those devices lead us to believe that they can be traced to either Hezbollah or elements associated with Hezbollah and Iran.

The new bomb technology is similar to devices used by Hezbollah, which, as hon. Members know, is supported and funded by Iran. We have welcomed Iran's public line of supporting the Iraqi elections and the efforts to support and build a constructive relationship with the new Iraqi Administration. We cannot tolerate a parallel policy of violence on anyone's part. Elements within or connected to the Iranian system—I put it no more strongly than that—seem to be encouraging violent opposition to multinational forces. That is a risky way for anyone to behave, so we hope that it does not continue.

Andrew Miller (Ellesmere Port and Neston) (Lab): We must not forget the important role being carried out in the area by the Royal Navy. I pay tribute to the ship's company of HMS Campbeltown, who I visited on station recently. They are protecting important oil installations. One observation that I made during the visit was that if we are to help develop the economy of Iraq, it is important that we re-establish some of the other routes that existed for exporting oil from that country. Is my right hon. Friend satisfied that sufficient engineering skill is being put in place by the oil industry in this difficult time to ensure that that happens?

John Reid: My hon. Friend is always a great defender of the senior service, and on this occasion he is absolutely right: maritime security is very important in the situation in which we find ourselves. I know that there are difficulties in acquiring sufficient skills and personnel in zones that are regarded as hazardous or threatening and in war zones. Part of our challenge is to make sure that despite all the terrorists' efforts the social and economic framework is sufficiently secure to attract engineers and others with the skills that my hon. Friend mentions.

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There is no doubt that what the vast majority of Iraqis want is self-determination for themselves, stability and security for their lives, and a better life. In that they are no different from any family in this country, and they are just as entitled to freedom and prosperity as families in this country.

Mr. Desmond Swayne (New Forest, West) (Con): Does the Secretary of State share the analysis that it was precisely because of the success of last January's elections that the insurgents decided to make Iraq the meeting engagement of our war against terrorism? If he does share that assessment, does he agree that we have to lick them there?

John Reid: Yes, on both counts. There is no doubt in my mind that what is going on Iraq is not just a local tactical battle, important though it is to win that battle for the Iraqi people. It is probably, at the moment, the most important battlefield of a strategic nature between those who wish to impose a religious dictatorship not only on large sections of the middle east but further afield and those who believe that Arab peoples and Muslims are as entitled to democratic self-determination as anyone else. If the Iraqi people build, in an Arab Muslim state in the middle east, their own form of democracy and safeguard it, it will be a major strategic blow to the terrorists. If, on the other hand, the terrorists succeed in stopping that happening, it will be a major success for the terrorists. The terrorists understand the strategic nature of this battle. The hon. Gentleman understands the strategic nature of this battle. I just wish that every leading commentator and politician in western Europe understood the strategic nature of this battle.

Andrew Mackinlay (Thurrock) (Lab): Will the Secretary of State reaffirm that we will not be handing over responsibility unless or until we are satisfied that the Iraqi armed forces pass the litmus test for a democratic Government of being under the democratic control of a civilian Minister? We have a long way to go yet.

In that regard, will the Secretary of State use his good offices to reaffirm the United Kingdom's concern to ensure that the people at Camp Ashraf, Iranian refugees, continue to enjoy protected person status and do not become the Cossacks of this period? The great fear is that they will be treated in the same way as the Cossacks were treated in 1945. The people of Camp Ashraf must have the protection of both the United Kingdom and—I hope my right hon. Friend will emphasise to his friends when he meets them—the Iraqi Government. Discuss.

John Reid: I thank my hon. Friend who, as usual, has set me an exam question in some detail. Thankfully on the Front Bench, one is allowed to cheat a bit by discussing things with one's fellow Ministers. Yes, I can give my hon. Friend that specific assurance. I can also refer to his general question about the democratic control of the security forces. That is very important. I discuss the matter from time to time with Mr. Al-Dulaimi, the Iraqi Defence Minister. We do what we can to ensure that we are training Iraqi security forces—the army—not only in martial arts but in human rights and the treatment of prisoners. We will continue to do that, and they are developing apace in that direction.

These things are not easy after decades under Saddam in which, let us remember, members of some of the parties that are agreeing and bringing in the Sunni had their women, children and innocent civilians gassed and burned from the inside out by mustard gas. The Shi'a have been killed, starved, had their water removed and been massacred in their thousands—in some ways in their hundreds of thousands—so to see people come together in the armed forces and apply a level of objectivity under democratic control is a major step forward.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I agree with the Secretary of State that any troop withdrawal will have to be events-led; it is plain that that is the case.

Having been out to Iraq in March, I fully commend what the Secretary of State says about the professionalism and dedication of the servicemen and women, but might I ask him one thing? We are led to believe that the Attorney-General is at this moment on his way to Iraq to look at the judicial authorities and the way in which things are working or not working. My plea is on behalf of my late constituent, Lance Corporal Tom Keys, who was one of six military policemen murdered at al-Majaar al-Kabir. I ask the Government to ensure that the perpetrators of that awful crime are brought to book fairly swiftly.

John Reid: In extending once again my condolences to the family of the hon. Gentleman's constituent, may I say that that has always been our earnest wish? I must make it plain to the House that matters of investigation and prosecution, whether of those attacking our troops or concerning allegations against our troops, are conducted separately to and independently of not only the chain of command, but the chain of command of Ministers here. So, we can take neither credit nor blame.

That is not a way of stepping back from responsibility—I expressed my earnest wish—but a way of being clear to the House that when and if charges are brought against our soldiers or against others for attacks on our soldiers, the process is conducted by an independent Army prosecution authority which, although part of the MOD, is accountable to the Attorney-General. Therefore, I cannot answer any specific points for the Attorney-General, but I wholeheartedly and earnestly support the hon. Gentleman's wish that there be a speedy bringing to book of those who murdered military policemen.

Mr. Nell Gerrard (Walthamstow) (Lab): In his statement, while telling us about progress that had been made, the Secretary of State clearly acknowledged that his ultimate aims of democracy and security in Iraq were still to be reached, and he talked about the battle of Iraq and the number of Iraqi civilians who are still dying. In the light of that, will he suggest to his colleagues in the Home Office that it would be premature for them to start the enforced return of failed asylum seekers to Iraq?

John Reid: I am sure that the Home Secretary heard my hon. Friend's comment.

Mark Pritchard (The Wrekin) (Con): The Secretary of State mentioned obstacles to the exit strategy. Does he agree that if Iran's alleged activities continue, that will create a new obstacle to the exit strategy, regardless of whether the current obstacles have been removed when that judgment is made?

John Reid: I think I made the precise point that terrorist activity and, by implication, those assisting such activity do nothing to hasten the withdrawal of multinational forces from Iraq—indeed, they delay withdrawal, because one of the four criteria by which we judge the conditions in which we would hand over power and the lead in security to the Iraqis is the level of the threat from terrorists. Therefore, by definition, anything that increases the level of that threat diminishes the propensity to withdraw.

Michael Jabez Foster (Hastings and Rye) (Lab): Once again, my right hon. Friend has set out a balanced statement of the successes and the challenges that remain. Yesterday, Lord Boyce, a former defence chief, said how demoralising it is for our troops to hear only the bad news in the media. Is there anything my right hon. Friend can do to highlight more of the successes, so that the "Today" programme could at least take them on board?

John Reid: Far be it from me to launch an undeserved and prejudiced attack on the "Today" programme, whose staff I have always found to be objective observers of events in Iraq. We should note the comments made yesterday by the former Chief of the Defence Staff, Lord Boyce, who in my last interview was used as an example to me of how everything was completely black in terms of overstretch and so on. I think that he put the record straight.

The truth is that people in this country are mature enough to know that we are in the course of a very deep and desperate struggle against terrorism internationally and that Iraq is one of the theatres in which that struggle is at its bloodiest. That is precisely because of the point made by the hon. Member for New Forest, West (Mr. Swayne): it is not a local but a big strategic issue. I believe, the Government believe, and I hope that the House believes that those who happen to be Arabs or Muslims have no less right than people in this country to democratic self-determination of their future. As they grasp that right to self-determination, to build democratic institutions in their own shape, as well as the security forces to protect them, and to achieve greater prosperity for their people, we should stand beside them. There will be difficulties, perhaps even greater than those we face now if the terrorists have their way, but we will see our way through those difficulties and stand by the Iraqi people. I have no doubt that, ultimately, the Iraqi people will grasp self-determination and defeat the terrorists.

Dr. William McCrea (South Antrim) (DUP): Will the Secretary of State accept from me the Democratic Unionist party's expression of support and admiration for the United Kingdom forces in Iraq? They have shown tremendous dignity, dedication and fortitude in the midst of great danger and they have set a great example to us all. I join in expressing extreme and humble gratitude to those members of our security forces who have made the supreme sacrifice in Iraq since last we met in this House. I also offer my condolences to their families, who must be heartbroken at this time.

Does the Secretary of State agree with me that those who stand in public life in Iraq deserve our support? They face tremendous danger, as do those who join the security forces in Iraq every time they put on their uniform and go out. The House must realise that terrorism is a reality: the people of Northern Ireland have experienced it for 30 years. It is great to be an armchair critic when one is far away from world events, but does the right hon. Gentleman agree that, now more than ever, we must ensure that our security forces receive the wholehearted support of this House and the people of the United Kingdom in our efforts to build a democratic Iraq? Finally, may I say—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. We have heard sufficient for the Secretary of State to digest.

John Reid: I agree with the hon. Gentleman. I hope that I am not misreading the House, but I thought that every statement that has been made today has been made with an awareness of the resonance that these statements can carry outside the House. I think that there has been a mature and sensitive contribution from every Member who has spoken today, including even those who may have had difficulties with, or deep opposition to, the original intervention in Iraq. I think that there is a coming together of the House that says that we should see this through but at the same time ensure that we are not there any longer than is necessary. That is exactly where I and the Government are.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I fully concur with the comments that the Secretary of State made about the military. I wish that the whole of the House was fully in agreement in that respect. Perhaps that day will come.

I question the Secretary of State on the political commitment that we have. The blueprint at present is for a constitution to try to unite one entire country out of three quite separate groupings. My concern is that in the north we have the Kurds, with the Shi'ites and the Sunnis being separate entities. The Kurds are already operating on their own, and they have their own Prime Minister. Violence is increasing and my worry is that we will end up with Iraq moving towards civil war or, alternatively, British forces and others will be in Iraq for an awfully long time unless more autonomy is given, not only geographically but politically, to the three distinct grouping to which I have referred.

John Reid: Despite all the predictions, the self-discipline shown by the majority of the groups has been huge. It is not an easy thing for people to come together to define a new constitution when, as has been said, there are long memories of difficulties, death, dangers and opposition to one another. It has been put to me that there is always the chance that the Iraqi people will vote down the constitution. I am asked, given that situation, "What do they do?" What they do is what any

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democracy does; they go back and discuss the matter again. I hope that it will not take as long as it took us, having voted down Scottish devolution, to get round to bringing it in again. If my memory serves me correctly, that took 21 years.

Let us remember that despite all the difficulties the Iraqis have got where they are, with 155 out of 157 articles of the constitution having been agreed almost unanimously and with debate on two of them. That is a major step forward. I have every confidence in the Iraqi people being able to debate these matters and to take the decision on their own democratically. That is what we are trying to help them build.

Mr. Andrew Turner (Isle of Wight) (Con): I agree with the Secretary of State that terrorist activity should not hasten our departure from Iraq. I agree also on the need to support our troops, who have been plunged into a Herculean task. Will the right hon. Gentleman say whether he thinks it satisfactory that militias are lined up as the private armies of members of the Government of Iraq? Does he think that it was merely an aberration that on 19 September our soldiers were handed over to private militias? Does he believe that the governor of Basra, Mohammed al-Waili, is helping to maintain morale at home when he says that British troops are responsible for destabilising security in the province?

John Reid: It will not surprise the hon. Gentleman to know that I think that the governor was wrong when he asked me whether the capture or the handover of two British soldiers to what appears to us to be militiamen was an aberration. By definition, as it is the first time that it has happened, it was an aberration. That does not make me complacent in the least.

If the hon. Gentleman is asking me—I think he is—whether there are elements within the Iraqi police force who may have joined with a view to usurping the authority and arms of the police service to the benefit of one particular grouping in the community, I think that there are. They are not the majority. They are not the majority even in Basra. It is necessary for the leadership of the Iraqis to show strong leadership as well as it is necessary for us to take action to defend our troops, which is why we arrested 12 further people on Friday of last week. We will continue to do what is necessary, within the legal framework in which we operate, to defend our troops and to train the Iraqi police service in human rights and objectivity as well as in the martial skills.

Bob Russell (Colchester) (LD): The Secretary of State announced this afternoon that the 2nd Battalion the Parachute Regiment based in Colchester garrison is to be deployed yet again to Iraq—no happy family Christmas for its members to look forward to. Without putting a time limit on that deployment, can the right hon. Gentleman give an indication of how long the 2nd Battalion will be in Iraq this time before it is replaced by other British troops? Can he also tell us what percentage of the British Army has served in Iraq over the period that we have been there?

John Reid: On one of the points that the hon. Gentleman raised, six months' deployment, like everyone else. On the 2nd Battalion the Parachute Regiment—great people. I had the privilege of spending some time with them as a younger MP under the armed forces parliamentary scheme, so I suppose that in some terrible way, they are responsible for my being at the Dispatch Box. I cannot think of better people to send into dangerous situations. The hon. Gentleman's third question was about the percentage of British troops who have been in Iraq. The number of British troops who have been there is about 90,000. We are now on the seventh roulement. With all taken into account, a large number of people have gone through it. When we see the headlines about this or that case of alleged brutality or alleged misdemeanour, let us remember that against some 90,000 troops who have served in Iraq there have been about 160 allegations, of which substance has been found to about 15 or 20. That puts the matter into perspective. Given the number of troops, it is right and to be expected that we would come back to the Parachute Regiment again, but of course many others are being deployed as well. We should remember that as Secretary of State, I am completely unbiased, and they are all just as good as the Parachute Regiment.

Mr. Charles Walker (Broxbourne) (Con): The Secretary of State is right that many thousands of people have been killed in Iraq. One of the common threads in many of those attacks is organisations advertising for workers. A thousand Iraqis turn up, one turns up with a bomb, and hundreds are dead and hundreds are maimed. What measures are we taking as a Government and a coalition to reduce the number of targets for those terrorists to attack?

John Reid: We are doing everything we possibly can on our own. We are doing everything we can to expand the number of trained Iraqi security forces in the army, the Ministry of the Interior and the police, but ultimately, as we found out in London, New York, Madrid, Tanzania, Kenya, Egypt, Turkey, Bali and everywhere else the terrorists get through, it is not always possible to stop them, particularly when they regard the country as a major strategic battlefield and they are throwing in terrorists from outside to combine with elements of the Fascist regime that ran the country for so long. As the position gets better in terms of democracy, security forces and economic development, we can expect the terrorists to get more frenetic and more frantic. That is why I said today that I cannot promise that that will not happen, but we will see it through.

South Asia Earthquake

4.44 pm

The Secretary of State for International Development (Hilary Benn): With permission, Mr. Deputy Speaker, I would like to make a statement about the earthquake in south Asia.

On Saturday 8 October, just before nine o'clock in the morning Pakistan time, an earthquake struck measuring 7.6 on the Richter scale. Its epicentre was in the area of Muzaffarabad in Pakistan-administered Kashmir, about 95 kilometres north-east of Islamabad. It caused widespread damage and a significant number of deaths and injuries.

I would like to tell the House about the action taken by the Government and others in support of those affected by this disaster, but first, I am sure that all Members will wish to express their profound sadness at the loss of life. Our thoughts are with all those families, both in the countries affected and here, who have lost loved ones in this terrible tragedy.

This was a major earthquake with tremors felt as far afield as Afghanistan and India, followed by a series of frightening aftershocks. The latest official figures indicate that 20,000 people have lost their lives and 44,000 have been injured. However, given the scale of the destruction and the fact that some areas have not yet been reached, the number of deaths is expected to rise further. There have also been a small number of deaths reported in Afghanistan, and 750 people now confirmed dead in north India, although unconfirmed reports indicate a significantly higher loss of life there, with 80 per cent. of houses in Uri and the surrounding district severely damaged. India has not sought international assistance. The greatest loss of life, however, has been caused by the devastation in Pakistan-administered Kashmir and the North West Frontier Province. Conditions there are difficult for relief workers, with bad weather and problems with access and communications due to landslides. Fifty per cent. of the buildings in Muzaffarabad and 60 per cent. in Balakot appear to have been destroyed.

Across the affected areas the Pakistan authorities, the Pakistan Red Crescent Society and local people have been working tirelessly to support survivors and the injured. As always in disasters, it is local people who have led the effort to saves lives. The Government of Pakistan have set up a national response centre and a relief fund.

When the earthquake struck, the UK immediately offered assistance, and as soon as a request for help was received, the Department for International Development activated the search and rescue teams which we had already put on standby. The first search and rescue team of 12 people, provided by the non-governmental organisation RAPID, left the UK in the early evening. It was the first international team to arrive in Pakistan, and a DFID humanitarian adviser went with it to facilitate its arrival and to begin co-ordination on the ground.

At 2 am GMT on Sunday, an aircraft chartered by DFID left East Midlands airport carrying 75 search and rescue personnel from the fire brigades of Grampian, Lancashire, Lincolnshire and Manchester, the International Rescue Corps, and dog rescue teams from BIRD and CANIS, together with a further team from RAPID. The flight included a four-person DFID team to undertake assessment and co-ordination. The remaining space was loaded with blankets and other supplies. The British high commission and DFID's Pakistan office helped the teams to get into action immediately on arrival yesterday. The first RAPID search and rescue team was deployed to a collapsed tower block in Islamabad to help look for survivors. The second RAPID team and CANIS, with dog support, later joined it. The other search and rescue teams were flown to Muzaffarabad by the Pakistani military, where they have been looking for survivors in collapsed schools. The UK search and rescue teams have already made an important contribution and rescued a number of people.

In addition to this assistance, DFID Pakistan immediately provided financial help in order to buy vital emergency supplies. Also on Saturday we agreed a grant to the World Health Organisation to enable it to send emergency health and trauma kits to support 40,000 people for three months.

Shelter is an urgent priority as night temperatures fall. We are providing 1,000 winter tents and 10,000 tarpaulins to Islamic Relief from our existing stocks in Lahore. These are being trucked to Muzaffarabad as we speak. We are also sending additional tents and blankets from our stocks in Dubai, and we will fly out 19,000 blankets from our Marchington store also for distribution by Islamic Relief. The US Government are providing five Chinook and three Black Hawk helicopters today to help move people and supplies. This will make a significant difference to the relief effort. DFID is currently looking at options for further such assistance in conjunction with the EU and the UN.

I have today informed the Disasters Emergency Committee agencies that the Government will meet the cost of transporting any of its relief supplies from the UK to Pakistan. Total UK assistance so far in the first 48 hours, including through the EU, is already over £1 million and that will increase as we provide further financial support to the relief effort. We will continue to do everything that we can to help.

Acting as the EU presidency, we are liaising with EU member states in offering help, and the European Commission yesterday announced some £2.5 million for emergency assistance. We are working with the United Nations and other agencies, such as the Red Cross and Red Crescent, as well as with the Pakistani authorities, and the UN is expected to launch a flash appeal for emergency relief assistance later today.

Many people in the Pakistani community in Britain have friends and loved ones in the disaster area. The Foreign and Commonwealth Office sent out on the first relief flight a rapid deployment team, which has set up an operations centre in Islamabad to assist British nationals. An FCO helpline in London is assisting concerned relatives. So far, there have been no reports of any British casualties.

The response from within Pakistan and around the world shows the best of human nature at a time of crisis, and the UK will continue to play its full part in helping

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to ensure that those who have suffered so much in this terrible tragedy get the help and succour that they need over the coming days and weeks.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I thank the Secretary of State for his statement and for giving me advance sight of it.

Our thoughts and prayers are with the families of those who have lost friends and relatives in this tragedy. As so often in such awful circumstances, we are indebted to those whose hard work and dedicated efforts are helping to bring comfort to those who are in desperate need. In particular, I pay tribute to the efforts of RAPID UK whose search and rescue teams have already saved lives in Pakistan. That is just one example of how the UK is helping.

Many hon. Members have constituents who have relatives in the affected areas. As we speak, thousands of our constituents are waiting anxiously for news about their families and friends, and the thoughts of all of us are with them at this dreadful time.

The Pakistani President has appealed for international assistance, and the British people, and especially those with links to the communities affected, are already giving with their characteristic generosity.

Inevitably, children are suffering most acutely. Perhaps the Secretary of State will say a little more about how he plans to ensure that children's specific needs are addressed in response to this crisis.

The Asian tsunami taught us some painful lessons about the need for a joined-up aid delivery effort. Will the Secretary of State inform us of the steps that he has taken to help ensure that those lessons have been learned and implemented? In particular, what discussions has he had with the UN Office for the Co-ordination of Humanitarian Affairs?

During the tsunami crisis earlier this year, some concern was expressed about the service that the Foreign and Commonwealth Office offered to relatives of those involved in the disaster. Will the Secretary of State assure us that the FCO is doing everything possible to assist those who have relatives in the affected areas—obviously, I acknowledge that that is extremely difficult at this time? Is he satisfied that enough people are manning the emergency information helpline for relatives? Is information about those who are missing being collated and disseminated as effectively as possible? What arrangements have been made for Britons who return to the UK having lost relatives?

The earthquake has struck in a highly sensitive part of the world. What is the Secretary of State's assessment of the appropriate role for British troops stationed in the area? Are British troops in Afghanistan helping with the relief effort there? Is the Secretary of State satisfied that co-ordination between DFID and the Ministry of Defence is adequate?

Will the Secretary of State assure the House that he is doing everything he can to ensure a joined-up approach with the work being done by the leaders of the Muslim, Pakistani and Kashmiri communities in Britain, who are already doing so much to help the relief effort? Perhaps he will say a little more at this early stage about any plans that his Department has to support community-based non-governmental organisations in their response to the disaster?

In the aftermath of the tsunami, concern was expressed about the operation of gift aid tax relief on donations to the Disasters Emergency Committee appeal. At this early stage, what steps will the Government take to encourage such tax relief on donations to appeals for this disaster?

The Secretary of State has proposed a standing UN disasters fund—a pot of money that could be drawn upon in the event of a crisis like this, which would remove the need individually to negotiate with Governments each time a disaster occurs. That idea seems sensible and constructive, and, as he knows, Conservative Members support it. What is the status of the Secretary of State's discussions with his international counterparts on such a fund?

Once again, we thank the Secretary of State for coming to the House and making his statement at the first available opportunity. In the same spirit, I hope that he will continue to keep the House informed through written and oral statements.

Hilary Benn: I thank the hon. Member for Sutton Coldfield (Mr. Mitchell) for his kind words. He gives me the opportunity also to extend my thanks to the DFID team who have been working since the early hours of Saturday morning to do the work that has enabled me to describe the response of the British Government. We owe them a very big debt of gratitude.

I share the hon. Gentleman's concern for the children of the affected region. One thing that is happening immediately is that the search and rescue teams in Muzaffarabad are trying to find the children in the schools. They were first directed to those schools when they arrived, because parents in the local community are desperately worried about those who may still be trapped and can be rescued. I undertake to consider that in the decisions that we reach about funding the UN flash appeal, which, as I say, we expect later today or early tomorrow. Let me tell the House that we will make a significant contribution. I will consider what particularly we can do for children, but their needs for blankets, tents, water and medical supplies are the same as those of their parents and families.

The hon. Gentleman asked about co-ordination. That is very important, which is why we sent a team of four out on the first relief flight to link up with the UN disaster assessment team that arrived from Geneva yesterday and with the co-ordinating unit that the Prime Minister of Pakistan has established. I spoke to the team just before coming to the House. The reports show that the co-ordination is not working badly, bearing in mind the fact that this is a major emergency that is putting great stress and strain on the Government of Pakistan in particular. I am anxious, as ever, that we learn the lessons. There is a premium on good information, because it ensures that the help that is being offered can be sent to the right places as quickly as possible.

I am happy to offer the hon. Gentleman reassurance that the Foreign and Commonwealth Office is doing everything that it can; indeed, it put a team on the first relief flight to support the high commission. I pay tribute to Mark Lyall-Grant and his team for the outstanding work that they are doing.

The Red Cross is looking to provide a service on tracing missing relatives. I am conscious of the Pakistani community here in the UK, although most of their families come from the region that is slightly less affected than the epicentre of the earthquake. Thankfully, no British casualties have yet been reported, but we wait to see what happens in time. My right hon. Friend the Foreign Secretary and I, along with other Members, have large Kashmiri and Pakistani communities in our constituencies.

NATO is considering what contribution the international security assistance force might be able to provide to the effort that is being made. The hon. Gentleman makes a very good suggestion about leaders of the Muslim and Kashmiri community. My hon. Friend the Under-Secretary will shortly organise a meeting to talk to them. One of the ways in which we will provide support is through our offer to the Disasters Emergency Committee relief agencies to fund the flight. If any smaller community organisations have things that they wish to get there, they can link up with one of the DEC bodies to get them on to the flight, and the Government will pick up the transportation costs.

On gift aid, the hon. Gentleman may be aware that the Chancellor of the Exchequer has announced that he will make it possible for that to be applied to telephone donations, to make it easier for people's money to have a full effect.

Finally, on the humanitarian fund, about three weeks ago the UN summit agreed to support the principle of an enlarged emergency fund. I am able to report to the House that following a meeting that was hosted by a couple of other countries two days later, six nations have already agreed to put $150 million into the fund. Just under half of that will come from the United Kingdom. Several other countries that attended expressed support for the principle and are waiting to see what the arrangements will be. I am hopeful that by the middle of next year we will have a fund up and running, which I called for last December. That will mean that in such circumstances the UN has the money to get on with the job while the rest of us pitch in and help.

Andrew George (St. Ives) (LD): May I also thank the Secretary of State for providing me with early sight of his statement? On behalf of my hon. Friends, I echo the profound sympathy that has been expressed for those who have been affected by the devastating earthquake.

Like the Secretary of State, I recognise that Britain has a special relationship with Pakistan and India and that, with more than 700,000 Kashmiris resident in the United Kingdom, the support that the Government offer those who fear that they have friends or loved ones who have been caught up in the disaster is greatly appreciated. I welcome the support so far and the efficiency with which it has been provided and planned.

On the Secretary of State's last comment about community-based organisations, the offer of help to agencies that provide emergency relief is much appreciated. I am sure that he knows that, as well as those mentioned in his statement, the Shelter Box appeal, which provided so many shelter boxes after the tsunami, especially for Sri Lanka, is also providing hundreds of shelter boxes this week from Helston in my constituency. The support that the organisation provides and the connection with the rotary club in Islamabad is greatly appreciated.

According to United Nations estimates, 2.5 million people require shelter. The tens of thousands of shelters, tents, blankets and other forms of support that the Secretary of State mentioned will clearly make a contribution but could he please comment on the international community's assessment of its capacity to respond to the urgent need for shelter, especially given the extreme cold at night in the region?

The Secretary of State did not answer the question that the hon. Member for Sutton Coldfield (Mr. Mitchell) asked about assistance that may be available through the Ministry of Defence, especially given the capacity just over the border in Afghanistan. Will he comment on whether resources will be made available from the international security assistance force that is based there?

What assessment has the Secretary of State made of the security situation in Kashmir? Only yesterday, terrorists killed 10 people in Kashmir and Jammu. What support can the UK offer to ensure secure access for humanitarian assistance to that region? What discussions have his officials held with the Kashmir International Relief Fund, which has logistical expertise and volunteers on the ground in Kashmir?

May I probe the Secretary of State a little more about the co-ordination of assistance? The hon. Member for Sutton Coldfield rightly raised issues about the important role that the United Nations has to play. In answer, the Secretary of State referred to the co-ordination of assistance in the emergency that we are considering. However, he will know that the Red Cross reported last week that rivalries between hundreds of groups and perceptions of corruption and the politicisation of aid has led to the duplication of effort in some areas and a failure to get the aid to those most in need when responding to such emergencies. Does the Secretary of State agree that the United Nations' capacity must be built up so that it is better able to respond to the support and co-ordination of emergency relief through the UN Office for the Co-ordination of Humanitarian Affairs and its agents?

Hilary Benn: I thank the hon. Gentleman for his kind words and I pay tribute to the work of Shelter Box. When I was in Sri Lanka after the tsunami, I saw some of the Shelter Box tents being put up on a playing field next to a school and I know about the contributions of rotary clubs to making them available to those who need them. I am sure that they will be much appreciated by those who require shelter.

On the great wish of the community in the UK to assist, the best thing that people can do is contribute money because that ensures that the things that are needed are bought. We do not want to end up with an excess of one sort of supply and a shortage of others. If people are looking to assist, the most helpful thing is to contribute money.

I said earlier that NATO was considering what could be done; it is looking specifically at the resources that might be available in ISAF in Afghanistan because it is close by. That is currently being examined.

[Hilary Benn]

I am of course aware of the security concerns. The incident to which the hon. Gentleman referred was on the Indian side of the line of control. So far, there is no indication that the fact that this is a sensitive and difficult region has got in the way of the relief effort. Indeed, our experience in Aceh in Indonesia, which was similarly plagued by conflict, showed that when a disaster of this magnitude strikes, people tend to put all that on one side and get on with the task in hand, which is to help people who are in need.

I have not spoken to the Kashmir International Relief Fund, but I will find out whether my officials have done so and let the hon. Gentleman know. The Red Cross report, to which the hon. Member for Sutton Coldfield (Mr. Mitchell) alluded, is an important piece of work. There was particular concern about the number of small relief organisations coming in, but I would just say that the United Nations disaster team has deployed eight people. They have established on-site operations co-ordination centres in both Islamabad and Muzaffarabad, and we are working closely with them and with the Office for the Co-ordination of Humanitarian Affairs to ensure that there is effective co-ordination on the ground.

I completely agree with the hon. Member for St. Ives (Andrew George) about the capacity of the United Nations system. Indeed, the proposals that I and others have made are precisely to strengthen that capacity, not only through a fund—which will mean that it does not have to wait for the hat to be passed round in order to respond immediately—but through strengthening the quality and capacity of humanitarian co-ordinators, because dealing with this kind of an emergency is a very different task from being the resident co-ordinator. I have also proposed that we introduce benchmarks by which we can measure our progress in responding to emergency needs. There will no doubt be lessons from this disaster that we can put into the work that we and others are undertaking.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Hon. Members will understand that this is the second major statement of the day, and that I have important business to protect. I understand why many hon. Members wish to question the Secretary of State on this matter, but it would assist us in making progress if we could have brief questions and short answers.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): I thank my right hon. Friend for the Government's swift and effective response, and acknowledge that many people in this country will want to give their support and make an active response as well. Those of us who know the stricken areas well—including the devastated city of Muzaffarabad, to which access is difficult at the best of times—will want to send our sympathy to the families and friends of all those who have suffered, and to their loved ones in this country who are so worried about what has taken place. Does my right hon. Friend agree that if there is one encouraging aspect of this disaster, it is that the Indian and Pakistani authorities and troops are working together, and that if any good at all is to come out of this tragedy, it would be for their Governments and others to work together to bring about a settlement for Kashmir?

Hilary Benn: I am certain that my right hon. Friend's words of compassion will be gratefully received, and I can only echo his sentiments. One hopes that good will come out of this terrible disaster.

Malcolm Bruce (Gordon) (LD): I am also grateful to the Secretary of State for his statement and to the Government for their prompt response in a variety of practical ways, which is what people need. In particular, I notice that President Musharraf asked for helicopters, and that helicopters have been provided. Speed of response to these disasters is crucial, and one of the most anguishing aspects of this one was hearing tales of children crying in the ruins and people not being able to get to them in time. Is there anything that we can do to achieve an even more rapid response in future? Does the Secretary of State also recognise that, after the initial response, the economy of Pakistan will face a major rebuilding challenge? Will that lead to a review of DFID policies and DFID aid programmes in Pakistan and Kashmir?

Hilary Benn: I thank the hon. Gentleman for his questions. We always need to ensure that we get search and rescue teams to a disaster as quickly as possible. As I have said, the first international team to arrive was from the UK, and it was one of the biggest teams. It went out there within a very short period of time, and many other search and rescue teams are now arriving from around the world. They are being deployed to the areas in need. I pay tribute to the speed with which our teams got themselves to East Midlands airport and on to those planes. Of course, we shall review our programme. As the hon. Gentleman knows, we have a substantial programme in Pakistan: £74 million this year. As well as committing resources to the relief effort we shall of course do the same for reconstruction, but that is a little way off. For now, we shall concentrate on immediate assistance.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I, too, thank my right hon. Friend for his Department's speedy response to the disaster. On television this morning, he will have seen President Musharraf making a moving appeal, especially for doctors, surgeons and consultants. Will that represent part of my right hon. Friend's comprehensive response?

Hilary Benn: What we have funded at the moment are the emergency health and trauma kits to which I referred earlier. On Saturday, the World Health Organisation put out an appeal for $500,000-worth of assistance and the UK picked up half the cost of that. We did that straight away on the first day. I have no doubt that when the UN flash appeal comes out shortly there will be a request for support to provide that kind of assistance. It may be helpful if I tell the House that there were two hospitals in Muzaffarabad. One was destroyed; the other is functioning but is severely overstretched and I understand that a French field hospital is on its way to provide help to the people there.

Tony Baldry (Banbury) (Con): The argument for a substantially enlarged UN disaster emergency fund is

unassailable. The Secretary of State said that so far only six countries had committed to it. Which G8 member states have yet to sign up to the Secretary of State's excellent idea? It must now be unassailable and there can be no excuse, certainly for G8 countries not to dig deep into their pockets to support that initiative.

Hilary Benn: I will send the hon. Gentleman a list of the countries. To be fair, some G8 countries present at the meeting support the idea but are waiting to see exactly what the management arrangements will be. He and I, and many others, think this a good idea; it is timely and if it was in place we could move even faster. We have learned the lessons and the fact that there is now support for the fund means, I hope, that in the future the UN will be able to respond even quicker. It would certainly have helped in Niger.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): The devastating earthquake in south Asia has wiped out whole communities in many places. Tens of thousands of people have lost their lives. Millions of people have been made homeless. That huge loss of life is tragic and our thoughts and prayers are with the victims and their families. The Government's swift response in providing assistance for the relief effort is welcome. People are dying every hour. Does my right hon. Friend agree that due to the magnitude of the tragedy we need to provide greater humanitarian aid and assistance to ensure that the people who survived the disaster do not die of hunger, disease and cold?

Hilary Benn: I agree completely. Currently, the issue is not money, because we shall put in the resources that are needed; it is how quickly we can get practical help to those in need. Where can we obtain the blankets, the tents, the medical supplies, the food, the water, the shelter, the heavy digging equipment and the helicopters? That is the issue. We are responding to the requests that have come to us. As I said, we shall fund significantly the UN appeal when it comes out. It is important for the House to recognise that the issue is the practical help that we give, not the sums pledged at the beginning. Britain has an honourable tradition, but some countries pledge large sums yet six months later we find that not all of that money was spent. I am much more interested in concentrating on the practical work in hand, which is turning the passion, commitment and desire of the British people to help into practical assistance on the ground. That is what we did in the first 48 hours and that is exactly what we shall carry on doing.

Peter Bottomley (Worthing, West) (Con): Our communities will welcome what the Secretary of State said and the way in which he said it, especially his point that it is a matter of co-operation rather than competition.

I have two practical points. How long will it take to replace the emergency stocks of tents and other things? Man-made and natural disasters seem to come around rather more regularly than one used to expect. Secondly, on a minor but important point, will there be difficulty in readmitting the search dogs to Britain?

Hilary Benn: On the first point that the hon. Gentleman raises, we will look to replace the tents as soon as possible. Indeed, I was discussing that with the team just before I came to the House.

On the second question, as I recollect, I think that quarantine arrangements are applied to those dogs, but I will check on the position and write to the hon. Gentleman.

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath) (Lab): As I represent the constituency in this country where the largest number of British Kashmiris live—they are mostly from Mirpur, Dadyal and Jakswari—may I extend, as other hon. Members have done, my sincerest condolences to the President, Prime Minister and people of Azad Kashmir on this terrible tragedy? I pay tribute to the work that the British Government have done already, but will the Minister give an assurance that, once the immediate relief efforts have been responded to, the British Government will use their position of presidency of the European Union for six months to seek to co-ordinate long-term relief to ensure that the infrastructure of that area is put back together and that the people are not forgotten at the end of the immediate aftermath?

Hilary Benn: I am sure that my hon. Friend's words will be much appreciated by those who are listening. I am happy to give that assurance. Indeed, I will discuss the crisis with EU Development Ministers at our informal meeting, to be held at the end of this month. Clearly, as we move from relief to reconstruction, the World Bank, the Asian Development Bank and the European Commission will have a very significant role to play. I can assure him that, during our EU presidency, we will ensure that all that support is brought to bear to back the reconstruction of the affected regions, once the immediate need for relief has been dealt with.

Pete Wishart (Perth and North Perthshire) (SNP): Will the Secretary of State join me in congratulating the Scottish-based charities and international organisations on their superb effort in responding with typical generosity? Does he agree that the next 24 to 48 hours are absolutely critical to demonstrate to an increasingly desperate and frustrated people that the aid is getting through? Can he assure me that the UK Government are doing all that they can to ensure that the infrastructure is being improved so that the aid can get through?

Hilary Benn: I am very happy to join the hon. Gentleman in those expressions of thanks to the agencies to which he refers. I can simply give him that assurance. I have reported to the House on what we have done in the first 48 hours. We intend to carry on. I pay tribute particularly to the military in Pakistan who have helped to clear the road to Muzaffarabad, thus allowing buses to go up to support the search and rescue team and tents from Lahore to arrive so that they can be

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distributed. They are continuing to work to open more roads because a lot more relief supplies can be brought in by road than by helicopters.

Mrs. Ann Cryer (Keighley) (Lab): Many of us have Pakistani constituents who come from Kashmir, particularly Mirpur. As yet, I have not been able to find out what impact the earthquake has had on Mirpur. I wonder whether my right hon. Friend could inform me of that. My other concern is that, long before the earthquake, there were many homeless people in the area around Muzaffarabad owing to its proximity to the line of control. They were in displaced persons camps or in refugee camps. I wonder what their position is now.

Hilary Benn: The worst of the damage has clearly been around Muzaffarabad, Balakot and those parts around the epicentre. I think that the damage in Mirpur has been less extensive. I will find out whether we have further details that I can give to my hon. Friend. I am not aware of the position of those who were living in the refugee camps around the town, but from the pictures that I have seen and the reports that we have, I am sure that the damage is pretty extensive and that they have been badly affected, along with all the other residents of the town.

Dr. Julian Lewis (New Forest, East) (Con): Clearly, the initial search and rescue operation and the speed of our response have been excellent, but does the Secretary of State recall the correspondence that we had quite a few months ago about constituents of mine who went as volunteers into areas that had been devastated by the tsunami only to find that no aid whatsoever for reconstruction had got through months after those vast sums had been raised? Therefore, the report should not have come as a surprise to any of us. Can he suggest measures that will address that concern, which has been expressed from every corner of the House?

Hilary Benn: The hon. Gentleman raises a very important point. The issue is partly about ensuring that the right relief supplies come, and I made that point earlier. If things are sent that are not immediately needed, they may rest on one side while more important things pass on their way through. There may be bureaucratic obstacles, but the UN team and, I am sure, the co-ordinating office of the Prime Minister of Pakistan will be working very hard to ensure that they do not happen. A practical example of that here in the United Kingdom is that the Pakistan high commission has set up emergency arrangements for issuing visas for people from Britain who want to travel to Pakistan and Kashmir quickly. I applaud it for what it has done. We will keep the situation under very close review. If difficulties arise, we will do our best to have them sorted out. It is important that we learn the lessons.

Mr. Gordon Prentice (Pendle) (Lab): My friend the Secretary of State told us that 50 per cent. of the buildings in Muzaffarabad had been destroyed, but people may understandably be reluctant to go into the buildings that are still standing. Have any requests been made to us to supply civil engineers and people like that who could pronounce on the integrity of the structures that are still standing?

Hilary Benn: We have not had any requests as far as I am aware, but I am told that one of the consequences of the construction of the buildings is that the walls tend to fall outwards when an earthquake strikes and the roofs come in. People will understandably be reluctant to go back into buildings that have been damaged even though they may appear to be standing. We will consider all such requests, but I think that they will come in time. The immediate priority is to get shelter to people who need it and who are out in the cold.

John Barrett (Edinburgh, West) (LD): Many Members on both sides of the House will have constituents who are waiting to hear accurate information about what has happened to their friends and loved ones. In the near future, many people in this country may want to offer a place for these people to come to visit and stay. Will the Secretary of State discuss with the Foreign Secretary what can be done to speed up applications for temporary visits to the UK following this tragedy?

Hilary Benn: I am very happy to undertake to talk to my right hon. Friend about this issue. It is one of the things that we will have to look at as a consequence of what has happened.

Tony Lloyd (Manchester, Central) (Lab): Many people, and not just those with Indian and Pakistani family backgrounds, will be grateful to my right hon. Friend for his words and the speed of his action. We know that many of the rural communities affected are extremely distant and that access to them is extremely difficult even under normal circumstances. Although it is early days, can a long-term plan be developed to make sure that the helicopters and air transport remain? With winter approaching and what we believe to be the destruction of residences, it will be a long time before people can be guaranteed to be adequately and properly secured from the effects of the winter elements.

Hilary Benn: My hon. Friend makes an important point. The main helicopter capacity, of course, comes from the Pakistan military, but the Americans have offered five Chinooks and three Black Hawks that will arrive today. The five Chinooks offer significant heavy-lift capability, and we saw in Indonesia that they will remain for as long as necessary to make sure that relief supplies are moved. At the same time, work continues to get the roads clear, but I know that access is difficult to the most remote communities. Together with the UN, we will continue to look at whether further helicopter support is required to ensure that relief supplies and other things that are needed for reconstruction can get to the most remote communities as they are accessed. However, we must recognise that some parts have not yet been reached by rescuers.

Mr. Paul Goodman (Wycombe) (Con): One in 10 of my constituents are from Pakistan or Kashmir, and they will have lost friends and relatives in this horror. Indeed, some of my constituents may be dead or injured. I spoke

this morning to community leaders who asked me to thank the Secretary of State and the Department for what they are doing and to amplify the point that has just been made about help for rural communities. As he knows, communications in such areas is often extremely poor, and the people in them may be reached less speedily than those in more urban areas. Will he comment on that?

Hilary Benn: I am grateful to the hon. Gentleman for his kind words. The support that we are providing and that we will continue to provide, including through our response to the UN appeal when it is issued, is designed to try to ensure that we get support to all the areas affected. Clearly some of the towns are easier to reach in the first instance, but it is very important that the relief effort then spreads out into the countryside. Like many other Members, the hon. Gentleman knows that the geography is very difficult, but we just have to keep up the effort to make sure that help reaches all the people who need it.

Keith Vaz (Leicester, East) (Lab): May I also commend my right hon. Friend on the efforts that he has made? He was right to praise the Pakistan high commission for setting up the emergency visa facility. Our entry clearance operation in Islamabad is hardly the best in the world at the moment. Will he consider speaking to the Foreign Secretary about deploying to Islamabad some of the entry clearance officers who are currently in the Gulf, who are not overburdened by the number of applications being made there, to help the processing of not only ongoing legitimate immigration cases, but, as the hon. Member for Edinburgh, West (John Barrett) said, those who wish to come on a short-term visit?

Hilary Benn: I will be happy to pass on my hon. Friend's suggestion to the Foreign Secretary. We will consider all these things to see what we can do to help.

Simon Hughes (North Southwark and Bermondsey) (LD): After the welcome early response, will the Secretary of State assure us that any further transport, engineering or medical help that is needed will be made available if we are asked for it, or if that need becomes apparent? Has the rest of the Commonwealth been asked to assist these two great Commonwealth countries that are suffering most?

Hilary Benn: I am happy to give the first assurance that the hon. Gentleman wants. We will continue to provide all the assistance that we can, along with others in the international community. I do not know whether a specific request has yet been made through the Commonwealth, but I will find out and contact him.

Mr. Shahid Malik (Dewsbury) (Lab): I arrived back from Pakistan in the past two hours and was there when the earthquake struck in Islamabad—it was a terrifying experience. I have been there with RAPID UK for the past two days and pay tribute to the Department for International Development. The Government of Pakistan have also asked me to convey their tribute to the Secretary of State because we were the first to get in there. I was at Margalla towers yesterday where RAPID UK was doing a superb job, although, sadly, it was pulling out more dead bodies than survivors.

We have been talking about helicopters, but I have to tell the Secretary of State that based on information that I have picked up, there is still a desperate need for more helicopters. Aid can reach areas such as Islamabad, but places such as Muzaffarabad, Bagh [illegible] Rawala Kot are accessible only by helicopter. Unless we have more helicopters, the aid effort simply will not happen. Will the Secretary of State reassure me that the request for more helicopters will be considered? I believe that we are talking about a 10 to 15-year reconstruction programme and that we are in there for the long haul. What is his view about that?

Hilary Benn: My hon. Friend has experienced the terror of the earthquake at first hand and I join him in paying tribute to the work of the RAPID team, which is doing an extremely professional job. As I indicated earlier, in addition to the American helicopters that have been provided today, NATO is considering that very point. We are examining what more we might be able to do and an appeal has gone out through the European Union—we have done that as its presidency. I am conscious of the need for such further support and agree that a long-term commitment to reconstruction will be required. We have a programme in Pakistan that has been rapidly increasing in size in recent years. I assure my hon. Friend that we will pledge support, together with others in the international community, to help the reconstruction.

Sarah Teather (Brent, East) (LD): I recently visited Kashmir at the invitation of the Indian Government, but also have many constituents from the Pakistani-administered Kashmiri region. From speaking to those involved in the charitable effort this morning, I know that they will be grateful for the Secretary of State's offer to fund flights for the relief operation. However, to echo the comments made by the hon. Member for Dewsbury (Mr. Malik), people stress that their relatives tell them that access to remote areas is still the priority, as the Secretary of State mentioned, and that there is a desperate need for air transport. Will he please consider making further air transport mechanisms available?

Hilary Benn: I certainly will. We will continue, along with others in the international community, to ensure that we provide the resources that are needed. That is being examined urgently, but it is good news that the Americans came in with the helicopters today, which will significantly add to the existing capacity. However, I take the hon. Lady's point.

Mr. Sadiq Khan (Tooting) (Lab): I endorse the positive comments about the excellent response of the British Government and the non-governmental organisations. It has been said that the Pakistan high commission is giving instant visas here and in Islamabad if British people do not have them. What advice is the Foreign Office giving to Britons who want to travel to Pakistan, bearing in mind that some areas will be

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difficult to access and people might get in the way of experts who are trying to rescue their relatives and friends?

Hilary Benn: On the one hand, the advice is that the relief effort is the priority, as my hon. Friend outlines. On the other, I think about my family being in that situation and understand why people would want to go. We must respect the decisions that individuals make. As I said, the Red Cross is trying to establish a tracing service. If people do go, perhaps they could bear in mind the need to give priority to the relief effort, given that transport is scarce. However, I understand why people are doing everything that they can to discover what has happened to their loved ones.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): I join my right hon. Friend in expressing my profound regret that all those people have lost their lives.

With respect to the DFID programme, does my right hon. Friend realise that the huge devastation in the rural areas of Kashmir, where all built-up properties have been decimated, means that those people who remain after the tragedy will need long-term assistance? Will he also consider those relatives who are here? This morning I had a meeting with West Midlands police and have also spoken to Tarique Ghaffur, the assistant commissioner in London. They are willing to set up the emergency information helpline. Will my right hon. Friend speak to the consular service of the Foreign and Commonwealth Office to get that up and running, so that it is easy for people to be informed about what is happening to their friends and relatives in Kashmir?

Hilary Benn: On the second point, the FCO helpline is already operating, and I will pass on my hon. Friend's important point. We will continue to do all that we can to ensure that there is effective communication with the communities that are most worried. I am happy to consider any suggestions that colleagues make about how we can ensure that good information goes out about what exactly is being done and, in return, to feed information back to our disaster response team so that it can take that into account when carrying out its work.

Kali Mountford (Colne Valley) (Lab): I am grateful to my right hon. Friend for what he just said. Although the generosity in my constituency will be unquestionable, many people will want to give not just money, but their skills, time and effort. We have heard the call for medical professionals, but many people who have different skills will want to make a personal contribution. As the disaster unfolds, can we ensure that those different talents and needs are properly utilised and that people go at the appropriate time?

Hilary Benn: We certainly will seek to do that. I hope to have available in the next day or so information on the DFID website that will help people who want to offer their skills to direct those to the right place. It is one way in which people want to help and it is important that we harness it in the right way.

Rob Marris (Wolverhampton, South-West) (Lab): I salute the efforts of the UK Government. One problem that often arises after such situations is the spread of disease following the interruption of water supply and sewerage systems. What plans are being made, and what steps are being taken, to address those problems?

Hilary Benn: The emergency medical kits that we are helping to fund will be part of that response. I expect the UN appeal will in part look for support to address concerns about disease control and the provision of clean water and sanitation, which is an urgent priority. We will respond to that as soon as we receive it.

Mr. Siôn Simon (Birmingham, Erdington) (Lab): The city of Birmingham is a lot closer to Azad Kashmir and Pakistan than can be told from a map. The effect of the tragedy in our communities in terms of grief, loss and trauma is real and as if it happened in our country. Will the Secretary of State say a few more words about what lead DFID could take in giving support and succour inside our communities?

Hilary Benn: Hon. Members on both sides of the House have reflected the concern of the communities that they represent. I hope that people take some comfort from the efforts that we are taking, along with others in the international community, to help the families of those who have lost their lives by providing good information, keeping in contact, reflecting in our work ideas that have been suggested, and just acknowledging that it is a terrible trauma for many people, not just in the areas affected thousands of miles away, but in places much closer to home.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): My right hon. Friend will be aware that the British Council will fund a number of educational programmes for people from around the world who will come to the UK to study. Given this disaster, would it not be appropriate to make some of those awards available to young people to undertake disaster engineering courses in the UK so that we increase the capacity of countries to manage their own affairs when disaster strikes?

Hilary Benn: That is an extremely good suggestion which I am happy to consider. In making available funding and support we will look at how we can build into it preparation and preparedness to avoid a similar disaster occurring again. That is one of the lessons we have learned from other crises around the world. Engineers will indeed have a major role to play, both in identifying whether buildings are safe and, more importantly, in designing and helping to construct those buildings that we hope will rise from the rubble of this terrible earthquake.

Member Sworn

The following Member took and subscribed the Oath required by Law:

James Devine, *for* Livingston.

Orders of the Day

Civil Aviation Bill

Not amended in the Standing Committee, considered.

5.37 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): On a point of order, Mr. Speaker. The Secretary of State for Transport told the Select Committee that he would seek our dispensation so that he could today make a statement on financial protection for air passengers. I understand that this, the most controversial part of the Bill, will not be debated during our consideration of amendments. It is worrying that financial protection for air travellers will not be available after two years' consultation, and we are very concerned about that. May I have your guidance, Sir?

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Further to that point of order, Mr. Speaker. Having tabled an amendment, I was quite surprised to find that it was not in order. As a consequence, none of the major concerns that have been expressed to me can be discussed. I wonder why that is, and I would be grateful for your comments.

Mr. Speaker: I shall deal with the hon. Gentleman's point of order first. Sometimes Members are surprised that their amendment is not in order, but I cannot help that surprise. I say to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) that the provision concerning the Air Travel Trust in clause 9 is subject to the Ways and Means resolution passed on Second Reading, which relates specifically to a scheme to be funded by air travel organisers. Amendments that go beyond that specific form of funding are outside the scope of the resolution and therefore out of order.

New Clause 4

COMMERCIAL FLIGHTS OFFICER

'(1) The Secretary of State shall appoint a Commercial Flights Officer whose duties shall be specified by the Secretary of State but shall include—

(a) the requirement to collate and publish factual details relating to all enquiries referred to him by a Member of Parliament relating to aviation matters, predominantly, but not exclusively, concerning nightflights, noise from aerodromes attributable to aircraft taking off and landing and on approach to an aerodrome along a flightpath or in relation to a deviation from a flightpath,

(b) conduct any inquiry into aviation matters that he believes necessary and within the scope of this remit as laid down by the Secretary of State.

(2) The Commercial Flights Officer shall have unrestricted access to radar tapes and all other information relating to his enquiries, which shall include aircraft type, operator, time of flight, height, speed, route of origin and destination held by any organisation, company or group the Commercial Flights Officer believes may possess it.

(3) Any organisation within the United Kingdom concerned with the monitoring and movement of aircraft in-flight or at an aerodrome shall hold information concerning an aircraft's flight origin, destination, route, altitude, speed and operator for a period no less than six months.'.—*[Mr. Duncan.]*

Brought up, and read the First time.

Mr. Alan Duncan (Rutland and Melton) (Con): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following:

New clause 6—*Sound-proofing of buildings affected by aerodrome use.*

'(1) The Secretary of State shall, no later than one year after the passing of this Act, make regulations under section 20(1) of the Land Compensation Act 1973 (c. 26) (sound-proofing of buildings affected by public works) imposing a duty on responsible authorities to insulate buildings against noise caused, or expected to be caused, by the use of aerodromes for the taking off and landing of aircraft.

(2) In making provision as to the level of noise giving rise to a duty under subsection (1) in respect of a building or class of buildings, and the area in which a building must be situated if the duty is to arise in respect of it, the regulations must make reference to the noise attenuation of individual rooms in buildings.'.

Amendment No. 9, in clause 1, page 1, line 7, after 'below' insert

'and having ensured that sufficient notice has been given prior to the introduction of the proposed charges,'.

Amendment No. 8, in page 2, line 14, at end insert—

'(2A) Any aerodrome authorities, making charges under subsections (1) for the purposes set out in subsection (2) shall be under a duty to—

(a) monitor emissions and noise levels on an annual basis publishing annual figures for pollution and noise levels; and

(b) publish a statement of intent as to what levels of emissions and noise can be expected for the following twelve month period and to what extent it has and will achieve the purposes laid out in subsection (2).

(2B) An airline may appeal to the Secretary of State against any charge made by an aerodrome authority under subsection (1).'.

Amendment No. 19, in page 2, line 21, after 'authority' insert

', with the agreement of the local authority in whose area the aerodrome is situated,'.

Amendment No. 10, in page 2, line 24, at end insert—

'(3A) The Secretary of State shall report on the effectiveness of any charges made under subsection (1) for those purposes laid out in subsection (2), every twelve months after the passing of this Act and shall specify the sources of information used in its compilation, and publish each such report in such manner as he thinks fit.

(3B) The Secretary of State shall, by regulation, following the publication of each report made under subsection (3A), set targets for emissions and noise related to aerodrome authorities for the following twelve month period and report on the systems and means for monitoring noise and emissions in relation to aerodromes and those areas along flightpaths and whether they shall be subject to change over the following twelve months.'.

Amendment No. 21, in page 2, line 38, leave out clause 2.

Amendment No. 1, in clause 2, page 2, line 41, leave out subsection (2).

Amendment No. 17, in clause 13, page 12, line 23, after 'Act' insert

'(except for section [Sound-proofing of buildings affected by aerodrome use])'.

Mr. Duncan: I thank you for your guidance on the point of order, Mr. Speaker. Perhaps in due course we might clarify whether it would be in order to discuss the issue on Third Reading, given the broader principles of the Bill and in order to wrap things up.

Mr. Speaker: Yes, that would be in order.

Mr. Duncan: I am grateful to you, Mr. Speaker; otherwise, I would not have had much of a Third Reading speech.

The group of amendments tabled in my name and by others addresses the heart of the Bill. Everyone, including the Secretary of State, accepts that this is to some extent a hotchpotch of a Bill. It has no great coherent form; it contains a group of half-concocted measures that do not quite come together into a seric us regime. Following the deliberations in Committee, which were so ably conducted by my hon. Friend the Member for Canterbury (Mr. Brazier), the amendments are an attempt to introduce more cogency.

The amendments largely define the way in which the Bill will work in practice in terms of noise and emissions, turning it from a simple enabling Bill into something more focused. The amendments also cover the growing problem of consumer concern about the monitoring of flights at night and the wall of silence faced by many people on the ground when investigating the problem of noise above them, particularly at night.

Amendment No. 1 is a rather sly wolf in sheep's clothing. It would remove clause 2(2), which says:

"In subsection (3) for 'limit the number of occasions on which they make take off or land,' substitute 'impose limits or other restrictions relating to aircraft taking off or landing.'".

That specifically removes from the Secretary of State's duties the stipulation to determine the number of flights at designated airports that may or may not take place at night, and replaces the number of flights with various other stipulations, particularly concerning noise and emissions. At first sight that seems logical, and the argument will be that as noise and emissions improve, the number of flights will become less relevant. However, beneath that seeming logic lies a severe danger that those who live under the flight path of an airport will experience many more flights at night, which despite the noise and emissions stipulations will be no less disturbing.

Such an argument contains a fallacy of methodology. Decibels alone are not a measure of nuisance. Occasions of noise—undercarriages going down and the roar of engines that do not necessarily break the decibel barrier—wake people up. We are facing, especially for designated airports and given the underlying concept perhaps for many other airports that are expanding at the moment, a depressing and unpoliced regime for the growth of flights at night.

Mr. Peter Ainsworth (East Surrey) (Con): My hon. Friend is addressing an issue of great concern to my constituents, which is why I have heard from both Tandridge district council and Reigate and Banstead borough council of their very strong support for amendment No. 1. Will my hon. Friend comment on the perversity of a Government who recently conducted a consultation exercise that included proposals to extend the quota of night flights while proposing legislation to get rid of that quota altogether?

Mr. Duncan: The perversity is self-evident. As Chairman of the Environmental Audit Committee, my hon. Friend will be championing that issue even further. His record on that Committee and as a constituency MP is undeniable. I have in my hand two of the submissions from councils in his area—Surrey county council and Tandridge district council—which are compelling in the power of their argument. I shall skim through them. They say clearly:

"Section 2(2) of the Bill, as it stands, amends section 78(3)(b) of the 1982 Civil Aviation Act in such a way as to empower the SoS to discontinue applying limits to the number of night aircraft movements at Heathrow, Gatwick and Stansted and replace these with noise quotas alone."

5.45 pm

The nice, tidy phrase "noise quotas" encompasses all sorts of calculations that will allow more disturbance at night, even though it could be argued that there is less noise. It has been argued that that it is a perverse and deceitful measure of the problem that people on the ground face, because

"as aircraft become less noisy this would be likely to lead to more flights within the same noise quota limit and there would be no real benefit to the local community; particularly, in rural areas".

I declare an interest in that respect, as my Rutland and Melton constituency is affected, as is that of my hon. and learned Friend the Member for Harborough (Mr. Garnier), who has been fighting strongly against the increase in night flights from Nottingham East Midlands airport and who, I am sure, will speak in this debate. The noise is felt strongly because in an area where there is less ambient noise, the noise of an aircraft, however quiet, is more noticeable than it would be in an urban area. The argument against noise quotas continues:

"a movements limit can be easily understood by most people and is far more transparent and open to validation as compared to a noise quota limit ... a movements limit provides particular protection for people who live very close to the airport ... and who are especially troubled by ground noise at night."

The arguments advanced by Tanbridge council and many others are compelling.

The Government's intention is clearly set out in the air transport White Paper, which is, "when Parliamentary time allows", to introduce legislation including

"an amendment to section 78 of the Civil Aviation Act 1982 so that controls such as night restrictions could, subject to public consultation, be set on the basis of noise quotas alone, without a separate movements limit."

Amendment No. 1 is the one that we intend to press to a vote. The provision affects urban and rural constituencies alike and introduces—somewhat surreptitiously—a new regime that represents a backward step.

The next amendment addresses the problem of people being unable to find out the basic facts. There is nothing more annoying than encountering bureaucratic obduracy when trying to discover the facts about events that affect one's life. What happens when an aircraft flies

overhead and wakes one up at 4 o'clock in the morning? One is likely to go to the nearest airport and ask, "Was it you?" to which the likely reply is, "Not me, guv." One might then turn to National Air Traffic Services, which is in charge of air traffic control, but NATS would find it difficult to trace an individual aircraft. The Civil Aviation Authority says that it is duty bound to implement policy, not to answer specific questions and noise complaints. What we have is an extremely fragmented system in which public agencies with a public duty are failing to respond to the legitimate concerns of people who are disturbed by night flights. Even I, a Member of Parliament, get the runaround.

To be fair, within such an unproductive and fragmented regime it is not easy for an airport to determine to its own satisfaction whether it is responsible. Nottingham East Midlands airport, which I visited at night only three weeks ago, has within its remit and control a fairly narrow air traffic control area, but it receives into that area flights that may be deviating slightly from the recommended flight path. What the airport calls its presentation profile of aircraft therefore lands it with a problem for which it is not necessarily to blame.

In the context of massive environmental concern, there is no confidence that individuals can have their complaints dealt with properly and honestly. It may be that all are being dealt with honestly, but that is not how it seems. No records are properly kept for long enough; it is quite difficult to backtrace an individual aircraft and work out whose it was, at what height it was flying and at what speed it was going. In my view, a better regime, which I have mentioned to the Secretary of State and the Under-Secretary of State for Transport, the hon. Member for Regent's Park and Kensington, North (Ms Buck), on many occasions, must be established if there is to be any confidence in the new regime that is being created.

If we are trying through the Bill to set up a regime for noise and emissions regulation, it must be logical for those who are most affected by noise or disturbance—let us call it nuisance rather than noise—to be able to ascertain who is to blame so that at least all of us who set public policy can have the facts at our disposal.

The aim of new clause 4 is simple: it seeks to establish a single point of contact for members of the public who have complaints about aircraft noise and movements when they suspect, or even if they do not, that aircraft are deviating from established flight paths. At present, the regime is fragmented and everyone, including Members of Parliament, I think, feel that they cannot obtain the basic facts.

The Bill does a great deal for designated airports, but relatively little for those that are non-designated. Little control exists over the expansion of flights at such airports. The Campaign to Protect Rural England points out that the Bill will not help to tackle the problem of increasing flights eroding rural tranquillity.

David Taylor (North-West Leicestershire) (Lab/Co-op): I am grateful to the hon. Gentleman for giving way. He is a county colleague who latterly, with other county colleagues on the Opposition Benches, has joined the campaign for the designation of Nottingham East Midlands airport.

I am attracted by new clause 4, but perhaps the hon. Gentleman will explain why Members of Parliament need to act as a sieve for any inquiries that are referred to them. There are Members representing constituencies around regional and other airports whose interests seem to lie perhaps more with aviation than with the communities that they represent.

Mr. Duncan: The hon. Gentleman raises a serious point. I shall flash back to amendment No. 1, given that the hon. Gentleman tabled a concomitant amendment which would have deleted the entire clause. He might consider that our approach is preferable because it would delete only the offending parts of the clause, rather than the whole clause. He may want to rethink that.

It is fair to say that the technicalities of tracking aircraft are complicated. It is necessary to go through different air traffic control zones. The play-back of radar tapes or information systems is not as easy as replaying a video. There is expense and, inevitably in a matter of nuisance, some people become exercised and are likely to throw a disproportionate number of complaints at an airport, particularly through campaigning organisations. To persuade the Minister, I hope, that I am being absolutely reasonable in tabling the new clause, I thought that a good model for setting up a monitoring system was that of the ombudsman, where we go through the filter of a Member of Parliament. In many instances, the process is automatically ticking the box and sending on the complaint. However, I think that all of us in our constituency life will have said to someone, "I will send it to the ombudsman but are you really sure? Don't you think that you are a bit illogical here, there or somewhere else? Aren't you going over the top? Have you lost your perspective?"

To set up a system that is logical, practicable, fair and sensible, it is reasonable to use a Member of Parliament as a filter. We determined that it would be more persuasive to the Minister to have that layer of approval and sifting so that, as with so many complaints about this place, it is not necessary to field many complaints that are frivolous and malicious. I hope that that argument will be persuasive to right hon. and hon. Members on both sides of the House.

Lembit Öpik (Montgomeryshire) (LD): As I understand it, it is the intention to apply the new clause to commercial flights. Will the hon. Gentleman confirm that it is not his intention to extend the clause to general aviation, not least because the logistical and technological demands that would be put on general aviation by so doing would probably be unaffordable to the British general aviation community?

Mr. Duncan: Yes, I can confirm that. That is exactly why we have referred to the commercial flights officer. We chose our words carefully to address exactly the concern that the hon. Gentleman has expressed. I hope that that adds even further to the powers of persuasion that we are able to exercise. We hope that the Minister will accept our argument.

I could speak for much longer on these matters but I do not wish to dwell on them. Other Members wish to speak and there are other amendments that I want to address.

[Mr. Duncan]

My hon. Friend the Member for Uxbridge (Mr. Randall) will, with your permission, Mr. Deputy Speaker, speak on new clause 6. I will leave that clause primarily to him, especially as he is an expert on insulation. He will hit me later.

Amendment No. 9 arises because of our concern that the Bill does not form part of a coherent and complete environmental policy. Consideration in Committee showed that it did not do so. We believe that airlines have a right to be properly consulted and informed. The Minister stated in Committee:

"There is no question that aviation has an impact in environmental terms, and we need to rise to the challenge that it presents. Those living close to airports have genuine anxieties, which the Government and I recognise absolutely and we must move forward in responding to it."—[*Official Report*, Standing Committee B, 5 July 2005; c. 6.]

The Bill states that aerodromes may fix their charges by reference to noise and emissions and may do so to encourage the use of quieter aircraft that produce lower emissions. Both objectives are laudable and we do not demur from that. However, the Minister's response does not quite square with the fact that achieving lower noise and emissions objectives perhaps requires targets. At present, there are no determinants of success and there is no compulsion even to report progress. My hon. Friend the Member for Canterbury (Mr. Brazier) went further into that in Committee.

Evidently, seeking the cover of legislation has little to do with an appreciation of real environmental impact. We know that some airports levy charges, but no evidence has yet been presented to show that these have helped reduce emissions or, for that matter, noise. The amendment is an attempt to ensure that we have the facts at our disposal to make sure that the improvements that we want to see can properly be measured and appreciated.

Amendments Nos. 8 and 10 very much come together. Amendment No. 8 states:

"Any aerodrome authorities, making charges under"

the relevant subsections

"shall be under a duty to ... monitor emissions ... and ... publish a statement of intent".

Amendment No. 10 describes the concomitant duties of the Secretary of State in respect of the same objective. The amendment proposes that aerodrome authorities should publish details

"of any charges made under subsection (1) for those purposes laid out in subsection (2)".

They would also have a duty to monitor emissions and to publish annual figures and a statement. Crucially, airlines would have a power of appeal against such charges.

Mr. Charles Walker (Broxbourne) (Con): One of my constituents' concerns is the expansion of Stansted airport, which wants not only to increase capacity on one runway but to construct another runway. It is all very well for the Government to talk about reducing emissions, but is it not understood that that does not square with the planned massive expansion of air travel over the next 10 to 15 years?

Mr. Duncan: I entirely agree with my hon. Friend. I have omitted to say that one can have an imbalanced regime of charges that can deliberately skew the economic benefits or appeal of Stansted compared with Heathrow and Gatwick. There is deep concern in the aviation world that within the Bill are provisions from which will emerge decisions and a regime that will create an artificial case for the expansion of Stansted. The imbalance and inequity that it is thought will emerge from this has caused deep concern. It has the prospect of being utterly perverse.

The Minister needs to tell the House that there will be some form of uniformity in the manner in which contracts that allow penalties, fines and charges for noise and emissions will be applied. If they applied only to two airports and not as much to another, funny things would happen. That means that the Bill would not succeed in being a universal, cogent and coherent environmental measure. We need some serious answers from the Minister.

We are asking that airports monitor emissions and noise levels annually and publish the annual figures and statement of intent as a price for confirming in law considerable powers. That hardly seems unreasonable. It is not burdensome to require them to publish those details, because if they do not know them in the first place the Bill means nothing whatever. As the Minister herself pointed out in Standing Committee B on 5 July,

"details of an aerodrome's charging policy will be available as part of the condition for use of the aerodrome. In the case of BAA, which runs the designated airports, the conditions for use are made publicly available on the internet. Similarly, Manchester is an example of a non-designated airport that does so."

She continued:

"As regards noise, the largest airports are covered by the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003 which implement the European directive on noise-related restrictions ... It includes a description of the effect of a noise climate without further measures and, for those measures already planned to lessen noise impact over the same period, forecasts noise contours, including an assessment of the number of people likely to be affected by airport noise."—[*Official Report, Standing Committee B*, 5 July 2005; c. 36.]

6 pm

The agencies are collecting figures but, again, I have serious concerns about the methodology used for the measurement of noise. We simply ask the airports to prove that the charges produce the results specified. If they treat them as a means of milking the airlines, the airlines should have recourse to the Secretary of State. None of that should be burdensome, and it would simply provide minimal information on something that is of huge public concern. Much of the information is already being provided, and the amendment would simply put its provision on a statutory footing. It is not "Mission: Impossible"—it is not even mission tricky.

As I said earlier, amendment No. 10 essentially defines the Secretary of State's concomitant duties in setting targets for the emission and noise to define a logical regime within which the Bill's powers could be exercised. The amendments are a constructive contribution to the Bill, and they give it far more cogence as well as more coherence and a better shape.

They will make the legislation far more palatable and practicable for those affected by it, whether they are airlines or people who live under flight paths. We hope that the Minister will see reason and appreciate our good intentions in tabling the amendments. I very much hope, Mr. Deputy Speaker, that we can press at least amendment No. 1 to a vote.

David Taylor (North-West Leicestershire) (Lab/Co-op): I wish to speak to amendments Nos. 19 and 21, which were tabled in my name. Amendment No. 19 relates to the fixing of charges imposed on aircraft operators who breach noise and emission requirements. It seeks to ensure that the local authority in whose area the airport is situated is in agreement with the scheme that has been designed. Amendment No. 21, as the hon. Member for Rutland and Melton (Mr. Duncan) said, seeks to delete clause 2, which attempts to substitute quota counts for the existing numerical limits on air traffic movements at designated airports. Without my amendment No. 19, the Bill could be a polluters' charter, because airport managers can write their own rules and set their own noise levels, as was debated at some length on Second Reading. I will not repeat the thrust of that debate, but no other industry has been handed such a licence. It is like asking the breweries to tackle alcoholism, or the fast food industry to tackle obesity. No other industry has been handed a charter to set its own pollution levels and no other industry is allowed by law—as would be the case if the Bill were enacted—to ignore the local authority and the local community. No other industry is given such immunity from the law.

In my constituency, the Nottingham East Midlands airport, as it styles itself, has one of the patchiest records on night-time noise climates of any European airport. Unfortunately, the Minister, or perhaps her predecessor, did not give sufficient weight to independent reports that say that night-time noise and the penalty regimes associated with it are intolerable and unacceptable. Nottingham East Midlands airport, which is owned by the Manchester Airports Group, has already drafted a noise control scheme in the form of a 10-point plan, and it intends to double night-time noise. Its version of a noise control scheme is designed to increase the number of aircraft movements without having any regard to noise and without any care for the community. I would be concerned if my amendment No. 19 were not incorporated in the Bill.

Mr. Mark Todd (South Derbyshire) (Lab): My hon. Friend is making a powerful argument. In my brief contribution to Second Reading, I made the same point—there is no independent process for determining whether the control regime, or the charging regime that stems from it, is appropriate to the circumstances. My one doubt about my hon. Friend's amendment—which, I recognise, has local support—relates to the choice of the local authority as arbiter. The Civil Aviation Authority, or a similar body, would be much more appropriate to determine whether such a scheme is well designed.

David Taylor: I accept the thrust of my hon. Friend's argument. If a regional airport such as Nottingham East Midlands airport is located in a small to medium-sized authority with correspondingly few resources, it may be difficult for the authority to represent properly the concerns of its communities. The county tier may be a more appropriate level, so my hon. Friend makes a fair point.

Mr. Edward Garnier (Harborough) (Con): I thank the hon. Gentleman both for his contributions to these debates in the Chamber and outside and for allowing me to intervene. I agree with his hon. Friend the Member for South Derbyshire (Mr. Todd) that if we limit the controlling authority to the local district council, we will run into exactly the same problems that we have experienced with the planning of ground developments at the airport. Surely, if we are to deal with Nottingham East Midlands airport, which has considerable financial weight, we need an organisation as big as the county council, which is equally equipped. At a later date, would he consider moving local control from the district council to the county council, as we will achieve a better result that way?

David Taylor: As I suggested in my response to my hon. Friend the Member for South Derbyshire (Mr. Todd), that is probably a worthwhile improvement. Indeed, the amendment refers to "the local authority" without specifying which local authority, so the county council may be the appropriate body in certain circumstances. I fear that Manchester Airports Group or other organisations that own regional airports could use the powers in the Bill in an unacceptable way. The residents of Leicestershire, Derbyshire and Nottinghamshire are distant from the shareholders and council tax payers in Manchester so, in this case, the pollution starts far from home. We need a locally accountable and responsible group to intervene on communities' behalf. All the residents' groups with which I have had contact about Nottingham East Midlands airport are alarmed about the lack of external accountability and are disappointed that it is not yet part of the Bill, as my amendment proposes.

The Government have repeatedly refused to designate Nottingham East Midlands airport, and my amendment compensates for that failure to act. The mantra of local solutions for local problems suggests that there should be a local agreement between the various parties—the airport, the communities, local authorities and airport users—but, in practice, that does not occur. The Bill does not create the environment for a local agreement. It provides the power for the airport to impose its will in certain circumstances. It disfranchises the residents and disempowers the local authority. That is what I am trying to tackle in the amendment.

Mr. Todd: I thank my hon. Friend for giving way again. There is a further powerful point, which was touched on briefly by the hon. Member for Rutland and Melton (Mr. Duncan)—there is no process even for the airport user companies to challenge what the airport might do, other than through the normal commercial process of taking their business away, which may not be an option open to them. I remain puzzled by the Government's determination to place the power solely

[Mr. Todd]

in the hands of one private sector body, without any process other than the courts, presumably, as a challenge to the reasonableness of its actions.

David Taylor: I do not dissent from a word that my hon. Friend—my neighbour—said. It may be that the Minister, whom I greatly respect, believes that the Bill will get the problems of noise and penalty regimes off her desk. I do not think that it will, particularly if the airport designs and imposes an unacceptable regime. If, as in the case of Nottingham East Midlands airport, the airport continues to be noisy at night, the problem will come bouncing back to the Minister even more loudly.

Unamended, the clause is contrary to democratic principles. Through the democratic process people should have a voice in shaping the regimes that try to protect them from the environmental downsides of large aviation neighbours. It is contrary to the principles of sustainable development, which call for noise reduction and increased participation. The clause is contrary to our own Government's principles of a local solution. Imposition by the airport, as anticipated in the amendment, without the involvement of a local authority, perhaps the county council, will not be a solution. We need to introduce into this part of the Bill some element of accountability.

Justine Greening (Putney) (Con): Does the hon. Gentleman agree that what his and our amendments represent is certainty? For an airport operator who wants to expand or residents faced with the possibility of blight in the coming years, the amendments would provide some certainty within which all stakeholders could operate. At times, huge capital investments are made in the industry. Surely all concerned deserve a framework within which to debate and resolve issues such as pollution.

David Taylor: I agree with the hon. Lady. What is needed is a greater degree of formality. With the present legislative and regulatory regimes, if a non-designated airport is unwilling to go very far down the road that a local community might like to see it travel, there are no levers to apply to that airport. It may have been subject to a section 106 regime at some point in the past, but without designation, which we are not discussing, there is a fog of uncertainty about its obligations.

People sometimes say that independent consultative committees have some powers to influence the way in which airports operate. My constituents are extremely concerned about the way in which the ICC works in our area. I suppose it is not much different from those in other parts of the country. The policies that Nottingham East Midlands airport put to the independent consultative committee are not locally based policies. They are based on Department for Transport policies, without any regard for what people in the local community want.

It is difficult to express in words the extreme and long-lasting frustration that my constituents feel about centrally devised policies being rubber-stamped by airport management, with no effective local say or input. The recent White Paper effectively told Nottingham East Midlands airport what its future growth will be and what it must do to ensure that that growth takes place, with a master plan process that simply repeats what is in the White Paper—literally, a self-fulfilling prophecy. We must have real local authority input.

6.15 pm

Amendment No. 21, the second of the amendments that I tabled, deals with the quota count system. The hon. Member for Rutland and Melton made a fair summary of the weaknesses of that approach. It professes to be a regime that will encourage the uptake of quieter aircraft, but its numerous shortcomings allow far more planes to fly at night while maintaining the same so-called noise climate. Although the planes may indeed be marginally quieter, it is the number of noise events, rather than a few decibels more or less, that causes the misery of sleep deprivation to residents living under flight paths. No matter what regime is designed and developed, it is essential that the cap on numbers of movements which exists in designated airports is retained. The Bill as currently worded merely enables the Secretary of State to set a limit based on noise rather than movements.

Adam Afriyie (Windsor) (Con): Does the hon. Gentleman's postbag, like mine, contain many letters from residents under flight paths expressing concern about the noise of individual aircraft that wakes them up, rather than about theoretical values, quota systems or wonderful maps of areas affected by noise? Is he, like me, concerned about the noise of an individual aircraft that wakes and disturbs people?

David Taylor: The hon. Gentleman makes a fair point. The problems experienced by my constituents tend to be in the communities that lie around the airport, which are under virtually every flight path coming into or out of the airport. Given the strong business lobby for a quota only system, it is only a matter of time before the movements limit is abolished.

Susan Kramer (Richmond Park) (LD): At the same time as the Bill has been going through Parliament, in my constituency—a good part of which is under the flight path; I live under the flight path myself—a consultation has been taking place which would have the effect of increasing the number of night flights and therefore the amount of night-time disturbance. Another consultation, also affecting my area, is planned for next spring. It would end runway alternation and increase the amount of disturbance during the day. Does the hon. Gentleman agree that those consultations expose the fact that the Bill is not intended to reduce disturbance, but that it is a framework to allow the industry to follow its planned direction of predict and provide, with ever-increasing flights and without regard to what happens to people on the ground?

David Taylor: I am sympathetic to the point that the hon. Lady makes. I am fairly sure that my hon. Friend the Member for Hayes and Harlington (John McDonnell) will refer to similar matters if he catches the Deputy Speaker's eye.

The problem in relation to noise is that there is no official noise index to show night noise in the UK, although Leq is recognised during the day period,

between 7 am and 11 pm. However, the Government produce noise maps for airports at night using Leq contours. They argue that it is an adequate way of expressing aircraft noise levels, and they produced noise for London Heathrow airport for its recent consultation on the night noise regime, which the hon. Member for Richmond Park (Susan Kramer) mentioned.

That method can be totally inadequate as a way of assessing the impact of a small number of noisy events distributed over an otherwise long and tranquil period. That is explicitly endorsed by the World Health Organisation in its guidelines for noise levels. It states:

"Where there are no clear reasons for using other measures, it is recommended that LAeq,T be used to evaluate more or less continuous environmental noises. However, when there are distinct events to the noise, as with aircraft or railway noise, measure of individual events such as the maximum noise level (LA Max) or the weighted sound exposure level (SEL) should also be obtained in addition to LAeq,T."

As planes get marginally quieter, many more will be allowed to fly at night under a pure quota count regime. It is the frequency of noise events that can ruin a night's sleep. If I am woken up, say, by all noise events over 90 dB, I will not be pleased to hear that twice as many, even if they are 92 dB rather than 95 dB, will be countenanced under a future regime. Therefore, it is essential that the numbers limit on noise on night-time movements is retained.

One final weakness that I shall identify in the quota count system is that it is extremely dubious to equate a 3 dB reduction—

Justine Greening: I thank the hon. Gentleman for allowing me to intervene twice. He raises a valid point because my area of Putney has no noise monitoring in process, so the only way to monitor the amount of noise that we have to bear is by literally counting the number of planes overhead. Does the hon. Gentleman agree that what the Government propose in the Bill will take away the one control that we have and my constituency will be left with no means whatever of assessing the amount of noise other than by our own ears? We are looking for something far more scientific than that.

David Taylor: I accept that point in its entirety. The hon. Lady's predecessor in the seat that she represents made a powerful case in this Chamber and in Westminster Hall on a number of occasions, and no doubt he will be in a position in future years to echo that case again.

I was making the point that it is dubious statistically to equate a 3 dB reduction with a halving of annoyance, even at the individual event level. EPNdB—effective perceived noise decibels—is a measure of noise energy, and it is by no means certain that a halving of noise energy results in a halving of noise heard by the human ear, despite the name that is used.

The Government's attempt to use the Bill not to tell those who live around airports exactly how many night flights they can expect and to disguise the true number is in the eyes of many a cynical manoeuvre. The various judicial review hearings instigated by London boroughs around Heathrow airport in recent years resulted in the High Court forcing the Department for Transport to continue revealing publicly exactly how many night flights the industry was to be allowed—a straightforward way for noise-affected populations to understand clearly exactly what was going on over their heads.

The complex and difficult to follow quota count system seeks in effect to bamboozle residents into thinking that more night flights somehow equals less noise and less sleep disturbance, which is a counter-intuitive proposition for my constituents as what Heathrow, Gatwick and Stansted get today, Nottingham East Midlands airport will encounter sooner or later. That is why absolute numbers must always be made available as part of any night flights regime. If they are not, and as the Bill seeks to set aside any responsibility to reveal night flight numbers, clearly the suspicion arises that someone is or could be trying to hide something. That is not a very defendable position, particularly when the High Court has, in the laudable and understandable interests of fairness and clarity, previously found against the Department for Transport on this very issue and determined that true numbers should always be revealed.

At present, the Government control night noise at Heathrow, Gatwick and Stansted via the noise quotas, and other airports in the UK use a similar system—quieter aircraft using less of the noise quota. However, the only way to stop the number of movements increasing, which is the problem for communities lying around airports, is to maintain the current controls, and that means that the proposed change in clause 2 that I seek to delete should not be enacted.

I shall conclude with one brief comment addressed to those right hon. and hon. Members who do not represent airport communities in the London area, where the airports are designated. Why should such Members who represent seats affected by the activities of other airports be concerned? Quite simply, the types of restrictions used for designated airports will be and are a model for controls at many regional airports, and a precedent of no limits at Heathrow would be used cynically by the industry to argue that there should be no movement limits at all in any other regional airport. This is a danger for every airport community in the United Kingdom.

Clause 2, which I seek to delete in amendment No. 21, is purely for the advantage of the airline industry and it will be to the disadvantage of the airport communities. For that sole, significant and powerful reason it should be removed in its entirety.

Mr. John Redwood (Wokingham) (Con): I rise to support my hon. Friend the Member for Rutland and Melton (Mr. Duncan) in his excellent amendments, particularly amendment No. 1 which seeks to delete clause 2(2). Many of my constituents live under the flight path into and out of Heathrow from the west. We have experienced growing numbers and growing volumes of noise from aircraft movements at antisocial times of the night, even under the current regime, and there is a great fear that the Government's proposals today will make this considerably worse.

I support those colleagues in the House who have already made it clear that we need some limit on the numbers of aircraft movements as well as an overall

[Mr. John Redwood]

control on the amount of noise, because it matters very much how many times noisy aircraft go over during the night, and even more, when during the night they might go over. Under the current regime, with some control over aircraft numbers, there is a tendency for there to be more flights closer to the times when people are going to bed or waking up. If we remove all numerical controls on flights, there will undoubtedly be more flights over the course of the night, at the times when it will be even more difficult for people who are trying to sleep in a rather quieter environment, when other background noise is less pronounced or has disappeared.

Mr. Peter Ainsworth: As my right hon. Friend will know, my constituents are affected by Gatwick, which has a similar problem, with rather more night flights than at Heathrow. Will he reflect on the fact that the problem is most acute during the summer months when demand is greatest for these antisocial flights and when people sleep with their windows open? The Bill, if unamended, will cause serious problems to people living in a wide circle round airports throughout the country.

Mr. Redwood: I quite agree with my hon. Friend. *[Interruption.]* I hear the Minister from a sedentary position asking whether I realise this is regulation. Yes, and while I am a keen deregulator, I have never said that I wish to see the end of all regulation, and the deregulatory programme that we strongly urge the Government to adopt has never included a reduction in standards for controlling noise around or adjacent to airports, because that is an example of the kind of regulation that we think is perfectly reasonable to impose. Previous Conservative Governments imposed it, this Government have run on with it for eight years and we see no reason to dilute it or change it adversely at the moment.

Mr. Garnier: The Minister's sedentary remarks are all the more to be regretted because we are talking about the rule of law, and if airports and airlines can operate without the law, we are falling into a rather tragic set of circumstances. If the Minister thinks that our acceptance of regulations in this circumstance is something to be criticised, we ought to be even more worried about the calibre of person sitting on the Treasury Bench.

Mr. Redwood: I will not be drawn into anything quite so uncharitable, but I understand the drift of my hon. and learned Friend's wise and learned comments.

One of the great weaknesses of the Government's environmental policy lies in aviation. They are stumbling over what to do about it. We know that on emissions control, it is outside the main restrictions in international agreements, and it is the fastest growing area of extra pollution; and we now see that on noise, they want to dilute sensible controls because they are under pressure from some in the industry to do so. It is particularly appropriate that today for the first time in the Chamber we have the warning of just how easy it is to make a beautiful building ugly without the right controls on new development, because we see the new screen where the scaffolding supporting it cannot be taken down because apparently that is all part of the revised plan. It seems a great pity that there is no sensitivity to history, tradition and beauty, and I am worried that we have something parallel going on with the lack of sensitivity to the wish of our constituents to have peace and quiet, particularly in the dead of night.

The crucial point that the Minister must address is that even if the average aircraft is less noisy than the average aircraft five or 10 years ago when previous controls were introduced, none the less, if there are more of these aircraft still creating considerable amounts of noise, and more of them will be generating that noise at the dead of night when it will be so much more intrusive, surely that is a substantial deterioration in the environment in which our constituents live and something that we should naturally protest about, and on which we should urge the Government to do something better.

I hope that the Minister will heed the warning of the ugly screen and realise that it would be bad to make a much bigger intrusion into the environment by diluting many hon. Members' constituents' protection from noise. It is our duty to tell the Minister that constituents in Labour seats, as well as constituents in Conservative seats, are upset by the current amount of background noise and that they will be extremely angry if the Government allow far more noise at the dead of night, when it will be so much more disruptive. I strongly support the comments of my hon. Friends the Members for Rutland and Melton and for Canterbury (Mr. Brazier) and their excellent amendments.

6.30 pm

Laura Moffatt (Crawley) (Lab): I am grateful for the opportunity to contribute, Mr. Deputy Speaker. In particular, I want to tease out certain aspects of amendment No. 1 and new clause 4, because I do not recognise some of the arguments that I have heard in this debate.

I must challenge the proposition advanced by my hon. Friend the Member for North-West Leicestershire (David Taylor) that one cannot be in favour of aviation and argue the case for quieter aircraft. That is utter nonsense. I have balanced those issues for many years as a member of the consultative committee at Gatwick and as an environmental campaigner within Crawley borough council.

David Taylor: I am not sure whether I said that. MPs whose constituencies are positively affected by aviation in economic terms, but negatively affected by aviation in environmental terms, sometimes lean too far towards the economic end of the spectrum at the expense of their constituents' quality of life.

Laura Moffatt: I thank my hon. Friend for that comment, but I rest my case. We should support economic activity at our local airports and ensure that our constituents have as much peace as possible, particularly at night.

The arguments are difficult. Conservative Members have already pointed out that Gatwick's position in the family of airports would be compromised if the considerable number of night flights were to end. We must move forward cautiously on reducing night noise.

Mr. Peter Ainsworth: The hon. Lady has not grasped the Government's objective. She knows that the consultation on the future of the night flights regime at Gatwick, Heathrow and Stansted has recently recommended that the quota should continue, and downward pressure on the number of flights seems a sensible approach. However, the Government want to take away the quota altogether, and the hon. Lady knows that her constituents and mine will be the first to suffer.

Laura Moffatt: I thank the hon. Gentleman for his intervention. I do not share the view that the only way in which to reduce noise in our constituencies and to make our constituents' lives more peaceful is to decrease the number of events. Our constituents worry about noise. If all night flights were completely silent, who would complain? No one.

Susan Kramer: I wonder whether the hon. Lady understands that over the years my constituents who live under the flight path have heard many speeches saying that aircraft are getting quieter, but aircraft will never reach the point at which they do not wake up people at night. People who found the flights bearable three years ago or five years ago now find that they and their children are being woken up because so many more night flights occur. When I introduced a petition on the matter, people formed a queue and I got a signature every 30 seconds because night flights have become so intrusive. The argument that planes are quieter is not the reality on the ground.

Laura Moffatt: I thank the hon. Lady for her contribution, but I do not share her view. I do not know about her constituency, but I know about mine: people in the most southerly point in my constituency were regularly woken by aircraft noise, but that is no longer the case because aircraft are getting quieter. For many years, I did not use the phrase "quieter aircraft"—I always used the phrase, "less noisy aircraft"—because I firmly believed that progress was impossible without downward pressure on aircraft noise. I do not share the view that we should not support a mechanism to reduce the total noise that people suffer.

Lembit Öpik: I do not want to get directly involved in the debate, because I do not live near an airport. Will the hon. Lady accept that aircraft engines are quieter than they used to be? People are concerned that the Bill will allow the economic attractions of what amounts to the increased disturbance of the local environment near large airports to outweigh environmental considerations. If the relationship between aviation and politics were less confrontational, the debate might be less fractious.

Laura Moffatt: I sincerely thank the hon. Gentleman for that intervention, which goes to the heart of many of the debates in this Chamber and in our constituencies about how airports are used. People support airports when they use them, but they do not support them if they are disturbed at night, and we must square that circle.

Crawley borough council and Gatwick Airport Ltd have a legal agreement on all sorts of environmental levels. I often find it difficult to reflect the debate in this Chamber, because I do not recognise that one is either an environmentalist or pro-aviation. It is possible to draw up reasonable plans to ensure that communities are relatively quiet, and I campaign for quieter aircraft and for quieter ways of running our airports both by day and by night. In addition, ground noise makes a major contribution to the total noise generated by an airport. Unless we work co-operatively like Crawley borough council and Gatwick airport, we will not make progress and will find ourselves continually debating the matter in this Chamber.

Finally, many of my constituents will be bemused by some Conservative Members' contributions on the difference between noise disturbance in an urban area and noise disturbance in a rural area. After the debates on Second Reading and in Committee, my constituents were surprised to learn that they are less likely to be disturbed by aircraft noise because they live in an urban area. That argument is difficult to sustain, but two Conservative Members have already advanced it as a reasonable explanation of why their constituents are more affected by aircraft noise than mine.—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. If the hon. Member for Broxbourne (Mr. Walker) wants to intervene, it would be helpful if he were to do so in the normal way.

Justine Greening: Surely, given the hon. Lady's words, it is vital that she support our amendments to provide the framework for resolving this ongoing debate. It is rather like a rugby team and a football team trying to play on the same pitch—people are debating in totally different ways, and we require a common set of rules. That is what our amendments seek to do. I therefore hope that the hon. Lady will join us in supporting them, should there be a Division, so that we can, for once, have a common debate and reach some consensus.

Laura Moffatt: I thank the hon. Lady, but I do not support that view. I firmly believe that we should continue to pursue a downward pressure on the total noise from airports. Focusing just on noise events is not the future for aviation or for communities around airports. The rugby players and football players in my constituency are looking for reasonable measures to continue a good relationship with a major airport that has provided many jobs to the town for many years, so that we are able to live together in harmony. The proposals before us are reasonable and fair.

Mr. Garnier: Let me explain something to the hon. Member for Crawley (Laura Moffatt) straight away. I fully accept that she is here to speak for her constituents, whether they work at Gatwick airport or are affected by it. I do the best for my constituents, even though the nearest airport to my constituency is between 25 and 50 miles away. Nottingham East Midlands airport is strangely named: it is wholly within Leicestershire, has a Derbyshire postcode, and is owned by 10 local authorities in Manchester. The Government are keen on stressing how important it is that decisions should be made locally, yet our local decisions are made in the Manchester Airports Group headquarters, and

[Mr. Garnier]

my constituents have no purchase on the decision-making systems of Manchester Airports Group and Nottingham East Midlands airport, any more than do the constituents of the hon. Member for North-West Leicestershire (David Taylor) or those of the hon. Member for South Derbyshire (Mr. Todd), whose constituencies are geographically much closer to the offending airport than mine.

I too would like to have a reasonable dialogue. However, I discovered last week at the Conservative party conference in Blackpool—I discovered quite a few things there—that, according to a county councillor from Derbyshire, the management of Nottingham East Midlands airport hold the view that I, the Member for Harborough, am what is called a pain in the posterior. I am not sure whether that is a sensible way to describe a Member of Parliament who is doing his job. It may be true—perhaps they have been looking at my posterior—but it disturbed me that the level of dialogue by the airport management has reached the stage where they personally abuse Members of Parliament going about their constitutional duty.

Mr. Julian Brazier (Canterbury) (Con): My hon. and learned Friend is making a characteristically clear and important point. I urge him to join us when we debate new clause 7, because he has just summarised in a single sentence the problem with giving consultative committees to the local authority in which the airport is located.

Mr. Garnier: Since I have accurately described in one sentence what my hon. Friend was going to say on new clause 7, I probably do not need to participate.

The so-called independent consultative committee that is supposed to monitor the activities of Nottingham East Midlands airport is staffed by a chairman who is paid by the airport. That is fair enough—he is entitled to his salary—but I am not sure how independent that makes either him or the consultative committee. Why it is called "consultative" I have no idea—it has never consulted anybody in my constituency and draws its membership from a very local base.

David Taylor: Would the hon. and learned Gentleman be surprised to know that on several occasions the ICC has declined requests from me and, I believe, from my hon. Friend the Member for South Derbyshire, for an opportunity during at least one of its quarterly meetings for Members of Parliament to contribute and report back? On every occasion, that suggestion has been kicked into the long grass at the end of the runway.

6.45 pm

Mr. Garnier: I can bring the hon. Gentleman good news. Perhaps because I am a pain in the posterior, Mr. Barry Wyman, the chairman of the independent consultative committee, has condescended to come to the House of Commons to meet me, and I hope that the hon. Gentleman and the hon. Member for South Derbyshire will join me.

Mr. Todd: I see him all the time.

Mr. Garnier: Well, the hon. Gentleman will have another chance—I do not know whether to commiserate with him or congratulate him. In any event, the serious point is that Mr. Wyman is very graciously coming to the House of Commons, and I hope that we will have a fruitful and adult discussion. I certainly will not call him anything other than Mr. Wyman.

New clause 4 would provide an opportunity to signal our concern that these airports are unpoliced, unregulated and misbehaving. If they wish to act as useful economic engines within our regions—I support that—they must behave like good neighbours. If airports were factories chucking out noxious fumes or firms that ran freight lorries through our villages all night, somebody would complain about it, but they, the Government and the Civil Aviation Authority say that it is all very modern and wonderful and they should be allowed to carry on unhindered. Simply because these trucks have wings and are in the sky, they think that we should not be bothered about it, but I am afraid that my constituents are. What bothers me even more is the spin that airports engage in to bamboozle the Government and the general public into thinking that they are doing a good thing. They are doing some good things, and if they stuck to the facts about them we might be a little more satisfied with what they are up to.

Let me read some gobbets from a press release issued by Nottingham East Midlands airport, headlined, "Opinion poll confirms support for airport". It has apparently got MORI—I make no complaint about that respected organisation—to interview 1,562 people in the NEMA area. That constitutes 0.1 per cent. of the 1.5 million people who live in the east midlands, although that may not damage the scientific validity of its questioning. One paragraph states:

> "The convenience of having an airport nearby for holiday and business flights was the main advantage cited by 61 per cent. of all residents, including those surveyed in East Leicestershire"—

where my constituency is situated, 20 to 50 miles away from Nottingham East Midlands airport. It goes on to say, through Penny Coates—I have met her; she is a very nice woman who is co-operative and friendly and wishes to do her best for her airport and for the people affected by the noise, filth and fumes that are caused by its activities—that

> "The results of this opinion poll demonstrate that there is much more support for NEMA than may be generally realised, particularly amongst those living closest to the Airport. Nevertheless, we are not complacent about the need for us to do more to minimise the impact of our operations and to improve our communications with surrounding communities. The views contained in the survey will prove very useful in shaping our future policies."

That is all very well. However, when, in that sad way of Members of Parliament, I was whizzing through some websites, I came across a press release issued by Birmingham international airport on 28 September 2001. Funnily enough, one of the findings of the MORI poll that Birmingham international airport had conducted in 2001 was:

> "By far the most significant advantage associated with the Airport was found to be the convenience of having it nearby. Residents recognised the economic factors linked to the presence of the Airport, mentioning job creation, new business attracted by the Airport, and the boost to the local economy."

It also said:

"In terms of disadvantages, noise and pollution were the most common complaints. However, on balance, the advantages appear to outweigh the disadvantages."

Luckily, the managing director of the airport, Mr. Brian Summers, could be quoted as saying:

"The results of this opinion poll are extremely gratifying and are a validation of the continuing dialogue with our local community. The views contained in this survey will be useful in shaping our future policies."

I do not know, Mr. Deputy Speaker, whether you noticed any similarity between the wording of the October 2005 press release from Nottingham east midlands airport and that of the 2001 press release from Birmingham. The managing director continues:

"We will not be complacent in any way and wish to build on our track record of listening and responding."

I do not know whether the similarity is a coincidence or can be explained by the fact that the press officer for Birmingham is now the press officer for Nottingham. Perhaps it is simply an example of serendipity, with which we are occasionally blessed. However, there is huge cynicism—

Graham Stringer (Manchester, Blackley) (Lab): Rubbish.

Mr. Garnier: I know that the hon. Member for Manchester airport is keen to support his Manchester airport group and that is fair enough; he is right to do so. However, we are suspicious of the attitude that the airports, especially Nottingham airport, take towards the complaining member of the public, let alone the complaining Member of Parliament. I may be a pain in the posterior but I am doing what I am paid and elected to do. I shall go on being a pain in the posterior until the management of Nottingham East Midlands airport realises that there are a public out there with whom it has to treat if it misbehaves, abuses people, throws filth all over our rural areas and does not understand that ambient noise in the city is different from the ambient noise in the country, and that if one flies an aeroplane every 90 seconds over east Leicestershire at 4,000, 5,000, 6,000, 7,000 and 8,000 ft at night, people will be woken up.

I live in both rural Leicestershire and the centre of London. Flights go over my house in Stockwell every night and throughout the day, but I do not notice them because there is so much other ambient noise in my street and area. However, in rural areas in Leicestershire, including North-West Leicestershire, and in South Derbyshire, there is little ambient noise. It is therefore no good people saying, "It's high time you took your share of the noise." We are complaining about relative, not absolute noise.

David Taylor: The hon. and learned Gentleman is perhaps a little unfair to the newly appointed press officer. We have criticised airports for lack of an environmental perspective, but the appointment is an attempt at recycling. Earlier, he contrasted the Government's approach with earlier Conservative approaches. Would he be surprised to learn that a Conservative Secretary of State for the Environment—I believe that it was Tom King, who was then Member of Parliament for Bridgwater—declined to include conditions on planning permission for a runway extension to east midlands airport? That has been the root of all our problems in the subsequent 15 or 20 years.

Mr. Garnier: I have to answer for all sorts of things, but not for decisions made by Ministers before I became a Member of Parliament. However, I take the point and we can make such jokes.

Mr. Todd: I want to focus on a point that I raised earlier and that I believe that the hon. and learned Gentleman made during exchanges on Second Reading. It dealt with anxiety about the shape of the amendments. Given that I pointed out a flaw in the amendment that my hon. Friend the Member for North-West Leicestershire (David Taylor) tabled, I do not believe that there is an amendment that proposes a framework of objective analysis and judgment of an airport's proposals for self-regulation and any penalty scheme that it imposes. What are his thoughts on that?

Mr. Garnier: I agree with the hon. Gentleman and I believe that my hon. Friend the Member for Putney (Justine Greening) made a similar point. I want the argument to proceed rationally, sensibly and relatively good-humouredly, but it is difficult when getting facts out of the airport is harder than drawing teeth. When it answers letters, the replies do not entirely fit the questions that one has put. There may be all sorts of good reasons for that.

I share the hon. Gentleman's concerns, however. I want the airport to thrive but in way that is not antisocial. I want it to thrive in a way that allows it to make a profit and to expand but which is also sympathetic to the concerns not only of the people who live within the 10-mile radius. By "local", the Government mean within 10 or 12 miles of an airport. People who live 20 to 50 miles away are not considered local and therefore have no leverage on the decisions that affect them. I agree with the hon. Gentleman and I wish that I could get the Government to persuade the airport company and the Civil Aviation Authority to be as reasonable as he is. If that were possible, we would have a happier set of residents in Leicestershire.

John McDonnell (Hayes and Harlington) (Lab): I shall speak about the amendments to which my name is attached and in support of amendment No. 21 and I would like to deal with them in order of significance. Amendments Nos. 1 and 21 are the most significant.

I want to begin by continuing the recent line of discussion in our debate. Every time we have an aviation debate, Members are classified either as modernising aviators or luddites and I want to reach an understanding of our shared objectives for the Bill and the overall thrust of aviation policy. We all want a thriving aviation industry that provides efficient air transport and employment for our constituents and has minimal impact on the global and local environments. However, in recent years, members of all parties have gone further. We want a sustainable aviation industry and to use modern methods as best we can to achieve that. They include new technology, new methods of measurement and so on. We also want the airports to be good neighbours where they are located, cherishing the environment and the quality of life of residents in the vicinity.

[John McDonnell]

Successive Governments have stated those objectives in recent periods. There is no more coherent statement of them than that in the recent White Paper on the future of the aviation industry. My understanding of clause 2(2) is that the Government intend to provide themselves with a strengthened tool with which to achieve the objectives for control of noise and, elsewhere in the Bill, emissions. Those are the two most significant environmental impacts of airports.

The argument, as I heard it on Second Reading and read it in the Committee proceedings, is that the method for controlling the impact of airports in disbenefits to my constituents and others is currently too crude and provides no incentive for airport operators to reduce the impact. As I understand it, the intention is to retain the power to impose overall limits on movements but to broaden it to enable the Secretary of State to control noise by noise quotas and contours. It sounds rational and the Government's approach would be viewed as an acceptable modernisation. The problem is that any method that we propose must command the confidence of, most of all, the people whom we seek to protect. In all the discussions and consultations that have taken place in my constituency and throughout London, especially in relation to Heathrow, it is clear that there is no confidence in the Government's proposals in the Bill. We should listen to the people most at risk. Perhaps the lack of confidence is due to the way in which our constituents have been treated in the past.

7 pm

I do not think that people have been treated as brutally in any major infrastructure development in this country over the past two centuries as they have by the aviation industry. It started with the clearance of Heathrow village and has gone on to involve the imposition of five terminals on my constituency. At each stage, at each inquiry that has taken place, and in virtually every debate on the issue in the House, we have heard the aviation industry, Ministers, civil servants and experts giving us their judgment, according to their expertise, on the limited impact of these developments on my constituents and on Londoners in general. On each occasion, these have turned out to be wild misjudgments, underestimations and, some believe, a tissue of lies. It is on that basis that people no longer have confidence in the proposals being put forward.

David Taylor: Does my hon. Friend agree that what the Government have said has underpinned their approach to aviation expansion? They say that they are moving away from a predict and provide approach, but in what significant way is the present strategy different from that approach, which has produced such appalling results in certain areas of the economy and the environment in the past?

John McDonnell: On the evidence of the past 40 years, and on the evidence produced in the recent discussions on terminal 5, there is no sign of any shift away from predict and provide. In fact, the suspicion is that the Bill represents a change in legislation that will greatly facilitate the continuation and expansion of that policy. It is no wonder, therefore, that people in my constituency and elsewhere are sceptical about the proposals in it.

The Government have argued that the control of air movements could still be a tool of control under the new regime. However, we should listen to the victims, the people who are already suffering, rather than to the polluters. Why should people believe BAA, the same company that promised my constituents in writing, during the terminal 5 inquiry, that it would not promote or seek a third runway? Within months of terminal 5 receiving approval, the company was lobbying the Government, and is still doing so, for a third runway, which would decimate the communities in my constituency. It now admits that 700 houses would have to go, that there could be a new terminal, and that 4,000 homes could be affected. This could involve a forced migration of nearly 10,000 people. Such a migration has not been seen since the Scottish clearances.

Why should people believe Secretaries of State? Time after time, after an inquiry has made a decision, successive Secretaries of State from Lord Tebbit onwards have reverted to continuing the policy of predict and provide, and to imposing more and more terminals on my constituency.

Jeremy Wright (Rugby and Kenilworth) (Con): My constituents are affected by a much smaller airport than Heathrow, but I agree wholeheartedly with a great deal of what the hon. Gentleman has said. Is not one of the main reasons why neither his constituents nor mine trust the Government's proposed regime adequately to address their needs the fact that the Government are not really committed to reducing decibel levels to a point at which people will not be disturbed? That is why people feel the need to retain a limit on aircraft movements, and why they will not accept a noise substitute.

John McDonnell: The issue is more profound than that. It is about Government policy making on the future of aviation over half a century, which has been dominated by the aviation industry itself, with no countervailing factors limiting Government discretion, either from communities or environmentalists. That has been our problem throughout that period.

Our present concern in London and around Heathrow is that the Bill will afford the opportunity to lift the cap on air traffic movements that was placed on Heathrow by the terminal 5 inquiry. That cap was set as a condition of the approval of the terminal 5 project by the planning inspector, and it was solemnly endorsed on the Floor of the House, with assurances by the then Secretary of State for Transport to all of us who represent constituencies around Heathrow. It was the one sop, the one thing that we were given to take back to our constituents to say that at least there was light at the end of the tunnel following that terrible inquiry that allowed terminal 5 to go ahead and introduced the risk of a third runway. The Bill will allow the Secretary of State the opportunity to lift the cap and to undermine the basis of that five-year inquiry and the conclusions that it reached.

The value for my constituents of limits on aircraft movements is that they are readily understandable. Their simplicity inspires some level of confidence in

Government decision making, and they are readily measurable. They therefore give further reassurance that the Government are abiding by some of the commitments that they have made. Noise quotas engender a lack of clarity. Their measurability is challengeable. There are differing definitions of noise, as we have heard at length today and throughout the debates on this issue. There are different assessments of its impact on people's lives, and they open up a vista of dispute. We cannot agree on what is to be measured, how it is to be measured, or even who should be the measurer. That lack of clarity will undermine any confidence that people might have in the Government's long-term aviation policy. It will result in a lack of confidence.

Movement controls do not only control noise. They also limit the general disruption caused by aircraft activity, at night and at other times, in the local area. Even the quieter planes cause disruption involving lights, ground operations and, for communities living near Heathrow, the traffic generated by those flights. Increasing the number of movements, no matter how much quieter the planes are, will not overcome but increase that type of disruption.

I do not want to return to the same old argument that people who oppose proposals such as those in the Bill are all luddites who oppose the aviation industry. My constituents also work at Heathrow, but we are looking for some form of balanced development. The only agency that can provide us with the protection that can achieve that is the Government. There are alternative ways forward.

David Taylor: I am grateful to my hon. Friend for restating the economic and social case for airports, be they large ones such as Heathrow or medium-large ones such as Nottingham East Midlands airport, which generates 7,500 jobs that are very welcome in the regional economy. Does he agree, however, that the problem is that only a relatively small proportion of the people who work at an airport and in the aviation-linked industries actually live around the airport or under its flight paths? Most are remote; they bus in or drive to work, but in general they do not suffer the adverse environmental impact of their operations.

John McDonnell: There is a much wider debate to be had about the benefits and disbenefits of airports in regard to the environment and the economy. However, the point that I was trying to make was that individual aircraft movements generate more than just noise. They generate the movement of people travelling into work at particular times. They also generate the movement of cars and lorries and all sorts of other activities associated with that aircraft movement, not just aeroplane noise.

Alan Keen (Feltham and Heston) (Lab/Co-op): Does my hon. Friend acknowledge that three local Members of Parliament—including myself and one who no longer sits in Parliament—who had never opposed the expansion of Heathrow within its present boundaries, including the proposal for terminal 5, have now changed their views? My hon. Friend mentioned balance; we felt that the balance had gone too far in one direction. Much as we support the air transport industry, we now feel that the environmental damage has gone past a certain point.

John McDonnell: My hon. Friend reminds me of the history of the debate on terminal 5. He and other Members who supported terminal 5 based their case on the economic benefits, as well as on the assurances that had been given that enough was enough and that there would be a cap on flight movements as a result of the terminal 5 agreement. We shall now have to go back to our constituents and tell them that the Bill might empower the removal of that cap. That is how we undermine confidence not simply in decisions such as this but in representative government overall. Within only a few years, the assurances that we gave our constituents are being undermined by the measure.

There is another way forward and I shall sum it up briefly. It is to maintain and extend the use of air movements as the basic tool for controlling airport development and noise and emissions impact and to require the Secretary of State to limit air movements from individual airports. Below those limits, we can encourage quieter aircraft by additional noise controls on individual planes and also by awarding incentives through the allocation of landing slots to types of plane and companies that perform well in reducing noise and emissions.

The Government's proposals will result in the creeping up of the number of flights at Heathrow and elsewhere. There will be no improvement in noise or emission controls and there will, yet again, be a betrayal of the communities surrounding Heathrow.

New clause 6 would place a duty on the Secretary of State to act in providing insulation protection to constituents on whom aircraft noise had an impact. The Secretary of State already has power under the Land Compensation Act 1973 to introduce legislation on noise insulation, yet no regulations have been enacted. We are asking for a limit, so that a year after the Bill is enacted the Secretary of State would act on that important matter. It is another way of reassuring people that the Government are on their side and are trying to protect their interests rather than merely driving through a growth in aviation no matter what the environmental and social impact may be.

Tom Brake (Carshalton and Wallington) (LD): The amendments in the group suggest that, in relation to noise and emissions, the Government have not quite got the Bill right. I shall focus mainly on amendment No. 1 and if, Mr. Deputy Speaker, you are minded to allow a vote on it, we shall support the Conservatives. The amendment is the key provision in the group.

As other Members have said, the Bill in its current format would enable the Secretary of State to remove the movements element of noise control and rely simply on a noise quota measure. The Government have given no indication of the criteria to be used by the Secretary of State in his decision to use those powers and there are no safeguards, such as a requirement to consult or to take into consideration other interests. The Government are attempting to establish the principle that by setting a maximum noise level, rather than a limit on the number of flights for an airport, airlines will

[Tom Brake]

have an incentive to reduce noise levels to increase the number of flights that they can operate. Although reducing the noise level is an admirable target, there are several reasons for objecting to the Government's proposals, and many Members have already set them out.

By maintaining a movement limit on the number of flights, the aviation industry has an incentive to maximise its use of current capacity. The Liberal Democrats support that. As many Members know, there is a link between the level of noise from aircraft and the level of emissions, but quieter aircraft do not necessarily equate to cleaner aircraft. There should be consideration of the environmental impact of moving towards quieter aircraft at the expense of increased emissions. Many Members have referred to the fact that using Leq as a measurement of sound is not responsive to changes in the number of flights, so communities have serious doubts about its appropriateness. Amendment No. 1 is significant and we shall support it.

7.15 pm

I have a few brief comments on some of the other amendments and new clauses in the group. New clause 4 calls for the establishment of a commercial flights officer. I understand the purpose of the proposal, although it seems strange for the Conservative party to be setting up a quango. With all the infrastructure that would necessarily surround it, it may be more appropriate or feasible, and might reduce costs, to use the CAA to achieve the same ends.

Mr. Brazier: The arrangement would not involve many people. The essential problem is that there are four or five different players in the field, of whom the CAA is one. We need an office that is deliberately kept small, through the filter that only MPs can pass on complaints to keep the work load down, and which could look across the work of all those bodies. That would be the aim, but I thank the hon. Gentleman for his supportive comments earlier.

Tom Brake: I thank the hon. Gentleman for his intervention. He, like me, will know that small departments have a tendency to grow, so he would want to monitor that if his proposal turned into something concrete.

Lembit Öpik: Does my hon. Friend agree that, as he has inferred, the CAA is the right organisation to do that? Is he aware that, by and large, when push comes to shove, for example in an air proximity incident, not only the CAA but the pilots involved tend to co-operate? I am a bit surprised that Members had such great difficulty in securing that type of information from what I have found a fairly effective system.

Tom Brake: I thank my hon. Friend for his intervention. The point that he and I are making, and indeed the point that the Conservative Opposition may be making, is that the information needs to be in the public domain and readily available. If that can be done through the commercial flights officer that may be the appropriate route but if it can be achieved through an alternative route, such as the CAA, that may be a suitable response.

I am sympathetic to the points that have been made about new clause 6, but more detail is required in the provision to make clear precisely what is being proposed on insulation for buildings. It includes the interesting phrase that the Secretary of State or the responsible authorities should

"insulate buildings against noise caused, or expected to be caused, by the use of aerodromes".

While I understand the reasons for including that phrase, over what time scale would the provision operate? Over what time scale would the Secretary of State and the responsible authorities need to plan for an increase in noise? The new clause refers to buildings, but is not as specific as it might be in terms of the buildings to which it should apply.

Amendment No. 8 is a Conservative proposal that we shall support strongly. It provides that an annual report should be produced

"publishing annual figures for pollution and noise levels",

and, more significantly, in subsection (b), publishing

"a statement of intent as to what levels of emissions and noise can be expected for the following twelve month period".

That is an extremely important point. We need to publish figures on the amount of noise and pollution. We must then set targets and monitor them to ensure that they are met in future years, so that the users of a particular airport have a clear signal about where that airport is going.

We shall certainly support several amendments in the group. There are some interesting proposals that need further work and there may be an opportunity in another place for the detail to be fleshed out. However, if there is a vote on amendment No. 1, we shall certainly support the Conservatives in the Division Lobby.

Graham Stringer: I had not intended to speak on the Bill once I saw that the amendments dealing with support for stranded air travellers had not been pursued, but the representations that I have heard from Opposition Members and one or two contributions from Labour Members bear no relationship whatever to the debates and discussions that we had in Committee. From the comments that have been made today, I simply do not recognise the Bill that we went through line by line in Committee.

I should like to deal with some of those points, but first I want to take up a point made by my hon. Friend the Member for Hayes and Harlington (John McDonnell), whom I certainly would not accuse of being a luddite. He is right to say that there must be a balance between the economy and the environment, but he is in error about the facts when he says that we need Government intervention and not for the aviation industry to get its own way. There are two points to make on that. First, the aviation industry and the Government were one and the same creature—they were indivisible—until about 16 years ago, when BA, BAA and some airports were privatised.

Secondly, my hon. Friend makes the point that there has been a policy of predict and provide. I do not mean this in a pejorative way at all, but the only hon.

Members that I have previously heard claim that the Government have a predict and provide policy have been from the Liberal Democrat party. Quite clearly, there has not been a predict and provide policy in aviation. Had there been such a policy, there would be much more capacity in both the south-east and the rest of the country. Part of the aviation industry has been restrained in its growth, and the Government have made it clear in the White Paper that such things are down to commercial decisions, not to any predict and provide approach by them.

Mr. Peter Ainsworth: I am extremely grateful to the hon. Gentleman for giving way, particularly as I have just returned to the Chamber and missed his opening remarks. As a matter of fact, the Environmental Audit Committee has produced more than one report accusing the Government of taking a predict and provide approach towards aviation. Of course, that Committee has a Labour majority.

Graham Stringer: I recognise that that Committee has produced those reports. I have made comments in the Chamber about them, and as my hon. Friend the Member for Hayes and Harlington suggests in talking about predict and provide, they are in error in their analysis of the aviation industry's history.

I shall finish talking about my hon. Friend's contribution by agreeing with him that promises have been made but not kept in the aviation industry. That has been a real mistake. Sometimes the promises have been made the wrong way and been kept, and that must be recognised. The whole country would have benefited if there had been no agreement, whenever it was made, to stop a second runway being built at Gatwick until 2017. So some damaging agreements have been made and kept. I recognise that, at each phase in the development of Heathrow, people have said, "No more", but they were mistaken in doing so, partly because the real economic balance, not just for the people who live around the airport but for the whole United Kingdom, is to maintain Heathrow as one of the premier airports in the world. Restricting it in the way that it has been restricted is causing it to lose that position in the world economy day by day.

John McDonnell: I am grateful to my hon. Friend for agreeing with my analysis of Heathrow's history so far, but I want to give another example of why, even today, there is yet again a sense of betrayal in my community: BAA did not argue at the terminal 5 inquiry for a third runway, but when it promoted a third runway, it informed us after the event that it is after a sixth terminal. At what stage do we say that those people can never tell the truth?

Graham Stringer: It has been a mistake to believe that we could stay at the forefront of the aviation industry and say that Heathrow did not need a third runway. I have always been very clear about that. I agreed with my hon. Friend's analysis previously. My understanding of BAA's position is that it has left it up to the Government to say where the extra runways should go. I am getting off the point—I shall get back on to it—but that is an argument for breaking up BAA, and I know that you will not let me go down that path, Mr. Deputy Speaker.

Alan Keen: Does my hon. Friend agree that the continual expansion of Heathrow is a short-term measure and bad planning and bad management, and that it would be much better if the industry realised that it is impossible to keep on expanding Heathrow, given the great environmental damage involved and the "polluter pays" principle, which is being extended throughout the world? Would it not be better for the airline industry to realise that a new airport is needed?

Graham Stringer: I do not agree with my hon. Friend on that point. Moving away from Heathrow would represent an incredible cost to the country; it simply will not happen.

Susan Kramer: Will the hon. Gentleman give way?

Graham Stringer: I really must move on, because I want to talk about amendment No. 1 and new clause 4. I listened very carefully to the hon. Member for Rutland and Melton (Mr. Duncan) and the right hon. Member for Wokingham (Mr. Redwood), and I was astonished because they both have a reputation for supporting free markets and deregulation, but they were arguing in new clause 4 for the creation of an extra regulatory body and stricter regulation of air traffic movements. Neither of them defined whether the problem was increasing or decreasing—not once.

The hon. Gentleman said that the problem is worse and that there is increasing concern, but the reality of the past 20 or 30 years is that the problem with noise is decreasing. It is extraordinary to ask for extra regulation on a decreasing problem—I can think of no precedent for the Conservative party adopting such a position. In support of amendment No. 1, hon. Members said that a large number of quieter aeroplanes going over a house is worse than one noisy aeroplane going over. If anyone who has ever lived under a flight path compared a BAC-111 or a DC9 with a current Boeing 777, they would want 50 Boeing 777s going over in the morning rather than one DC9, because DC9s are so much noisier. That is a matter of common experience and fact.

Mr. Brazier: The Conservative party is against the proliferation of petty regulation, but when certain things have needed regulation, we have taken action. Hon. Members need look no further than the first measure to regulate clean air—the Clean Air Act 1956—which came from a Conservative Government and from which many of the considerations on NO_x and CO_2 in the Bill ultimately stem.

Graham Stringer: I do not think that we should continue along the path of the Clean Air Act 1956, but I understand that that was taken through the House as a private Member's Bill by a Conservative Member, not by a Conservative Government. My point is very simply that the Conservative party is asking for extra

[Graham Stringer]

regulation when the problem is decreasing, not increasing, unlike in the 1950s and 1960s, when the problem of air pollution was increasing.

Adam Afriyie: Will the hon. Gentleman give way?

Graham Stringer: I have given way a lot, but I will give way to the hon. Gentleman. I must then try to make some progress.

Adam Afriyie: I thank the hon. Gentleman for his generosity; I appreciate that he has been intervened on many times.

The reason why the Conservatives are encouraging the creation of this new officer's post is that we think that people fear an increasing threat and problem with increasing air traffic, certainly at Heathrow and throughout the country. That is why we propose monitoring the number of flights. From my perspective in the Windsor constituency, I have been lobbied on many occasions, and quite vociferously over the weekend, because of the worry about the changes that we are debating and whether there is a backdoor route for more flights. If there is no intention to allow more flights or to abandon aircraft movement limits, why introduce these subtle changes, which seem to open that avenue? We are justified in arguing that, if the Bill is passed in its current form, there should be some monitoring of what actually happens.

7.30 pm

Graham Stringer: The hon. Gentleman brings me nicely to my next point about whether the argument made by the hon. Member for Rutland and Melton that there is real concern about absolute noise has a foundation. The hon. Member for Windsor (Adam Afriyie) has repeated that point, but I think that the concern about noise and the aviation industry is getting less, as demonstrated by most of the real assessments of public opinion, as opposed to the fantasies that we have heard suggesting that the situation is getting worse.

Noise is an intense problem for a number of people; I do not want to belittle it. However, the problem is intense for a decreasing number of people. Conservative Members are shaking their heads, but one can go to parts of London and Greater Manchester where noise pollution is no longer the real problem that it used to be. As aircraft have got quieter and the noise footprint has shrunk, there is less of a problem.

Susan Kramer: Will the hon. Gentleman give way?

Graham Stringer: I have given way several times, and I want to make progress.

Most of my experience of balancing the economic and environmental interests of the community has come from being responsible for Manchester airport, primarily during the planning process and the decisions on the second runway there. Because we were concerned to talk to the local community and to find out whether there was support for the proposal, we went out to ask people. We carried out extensive opinion polls to consult many more people than are normally interviewed in a straightforward political opinion poll. From memory, I think that the samples were 3,000 and 5,000, which are huge numbers.

Manchester airport is in the Wythenshawe area of the city and we found that there was 80 per cent. support for the proposal in the area that sits next to the end of the runway. Wythenshawe is primarily, if not totally, a council estate and, unlike what someone said earlier, the people there saw the benefits of the jobs created as well as an improving environment. At the other end of the runway lies Styal, which is a much more affluent village in Cheshire where virtually every window displayed a "Stop the second runway" sticker. However, when we interviewed people individually, we found that a small majority was in favour of the runway because they could see the economic benefits. They or their families worked at and used the airport, so the airport received terrific support.

Interestingly, the opinion poll for East Midlands airport to which the hon. and learned Member for Harborough (Mr. Garnier) referred and which was published today tells a similar story. There is majority support for the economic benefits of the airport, and some concern about the environment. However, overall, people see that the benefits outweigh the disbenefits. The figures for East Midlands airport are not as good as they should be, and my hon. Friend the Member for North-West Leicestershire (David Taylor) and others have made the point that the consultation in the past two or three years between the airport, hon. Members and the public has not been as good as it should have been. I would have expected the figures to be higher, but they are still positive because people see the benefits.

The hon. and learned Member for Harborough said that a similar opinion poll had been used by Birmingham airport and produced by the same person, and suggested that this was cynical distortion of the facts, or words to that effect. That may be the result of laziness or plagiarism, but an official reporting as best as he can the results of an opinion poll is not cynical. He probably found a formula that was accurate and used it a second time. There is no evidence to suggest that the figures from that opinion poll have been distorted.

The next argument that the hon. and learned Member for Harborough and the hon. Member for Rutland and Melton used was that noise is somehow more of a problem if one lives in the countryside. I suppose hon. Members have their own opinions about that, but I have always lived in a city and I find the countryside an extraordinarily noisy place. It is full of foxes, owls and other creatures that keep one awake at night. I do not necessarily share the assessment that the countryside is quiet; I always sleep more easily in an urban environment.

Nottingham East Midlands airport has carried out, at the request of the constituents of the hon. and learned Member for Harborough, a study in Great Glen, a village that I have never been to. Over 24 hours—night and day—the flight noise of every aeroplane was recorded and, in that period, it was found that only three aeroplanes created noise that was above the ambient noise level. I accept that noise is a complicated issue, but that seems to suggest that there is no evidence for Conservative Members' argument that there is a real problem.

I represent an urban constituency and I do not think it fair to draw the conclusion that aeroplanes should go only over populated areas and not over the countryside. In the same opinion poll carried out by Nottingham East Midlands airport, 64 per cent. of those polled thought what seems to be the common-sense thing to think: that aeroplanes should avoid populated areas. If, at a public meeting, one asks whether an aeroplane should fly over a lot of people or a few people and whether the majority or the minority should be more greatly inconvenienced, most people would say the minority, even if one takes account of the economic benefits. Unfortunately, the hon. and learned Member for Harborough comes to the exact opposite conclusion.

Lembit Öpik: Does the hon. Gentleman accept that the issue is more complicated than is sometimes made out? I fully accept that some constituents and some Members, including some in my own party, suffer, but aircraft are also very audible in constituencies such as mine. Aircraft flying at 10,000 ft and heading to Manchester 70 miles away can be heard. If we begin to make comparisons, we must consider the background level of noise, which does not necessarily strengthen the case of some people who live relatively close to airports.

Graham Stringer: I do not think that the effect of noise can be assessed simply by a meter measuring decibels, but that is an indication of the level of the problem in Great Glen. That is the point that I was trying to make.

I urge hon. Members to see through the argument that the problem is increasing as we have not heard any evidence today to suggest that it is. The Conservatives take the extraordinary position of asking for extra regulation, so I support the Government and ask the House to reject the new clauses and amendments.

Mr. John Randall (Uxbridge) (Con): I shall be extremely brief, because I sense a certain restlessness in the Chamber and a mood to get on to listening to the Minister and dealing with other matters. I have a vested interest in the last group of amendments, so it is in my interests to keep my speech brief. All I want to do is support my hon. Friends and particularly my neighbour, the hon. Member for Hayes and Harlington (John McDonnell), in his comments and in his new clause 6, to which I have attached my name. As he said, my constituents suffer from a crisis of confidence in the aviation industry.

As the hon. Members for Manchester, Blackley (Graham Stringer) and for Crawley (Laura Moffatt) pointed out, there are, of course, economic benefits, but the patience of my constituents is being increasingly strained. That is why, for the first time, many people who have been highly supportive of the aviation industry locally have now said that enough is enough. They are worried, as am I, that there is a hidden motive behind the measures. Is there a reason why we should get rid of the specific number of night flights allowed, which would create the possibility of the number of such flights being increased? Is there an economic need to do that? Has the industry asked the Government to increase the number of night flights? We want those questions answered. Unfortunately, the aviation industry has cried wolf on occasions. The hon. Member for Hayes and Harlington cited the examples of the terminal 5 inquiry and the fact that there was not going to be a third runway and then no sixth terminal.

David Taylor: I am sure that the hon. Gentleman would agree that night noise from the heavens can make airports neighbours from hell. However, there has been relatively little academic analysis of the economic benefits of night flights. The aviation industry often asserts that they are crucial and an important economic driver, but precious little evidence has been cited in support of that. Does the hon. Gentleman agree that it is high time that an independent organisation conducted research along those lines?

Mr. Randall: I take great pleasure in agreeing with the hon. Gentleman wholeheartedly. Such information would be crucial to the House before undertaking the changes that we are discussing.

I urge hon. Members to support new clause 6. If the Bill is implemented, my constituents and those of many hon. Members will deserve mitigation. The wording of new clause 6 might not be correct, and I know that the Government do not like to agree to any amendments except their own—that is the way of the world. However, they are honour bound to provide in legislation for mitigation of noise reduction for my constituents.

Mr. John Horam (Orpington) (Con): I shall be brief. I could have made my remarks by intervening during the speech of the hon. Member for Manchester, Blackley (Graham Stringer), but he had to cope with a large number of interventions and I did not want to disrupt his speech any more than was necessary. None the less, I was astonished when he said that noise was lessening. Biggin Hill airport, the famous airfield from which many of the few flew in the second world war, is in my constituency. It now deals largely not with scheduled flights, but executive flights and so forth. Although I accept that many individual aeroplanes are much quieter than they were, we must consider the sheer multiplicity and expansion of ordinary flights to small airports such as Biggin Hill.

Many flights are taking place on the shoulder of the times at which they are allowed to take place. Many flights requiring special permission are undertaken by the Ministry of Defence. More flights take place at a lower level than they used to, with flights over Biggin Hill being affected by the change to the pattern of flights over Heathrow. All those factors mean that my constituents have experienced a considerable increase in the noise around such a typical small airfield.

My Front-Bench colleagues have made the important point that there is inadequate monitoring, so we simply do not know enough about the facts of noise—I accept that the hon. Member for Manchester, Blackley made this point. There are doubts about who should take responsibility for monitoring noise at Biggin Hill. Should it be the local authority or the airport company? Monitoring inevitably does not take place with the frequency that ordinary people and residents are entitled to expect. Additionally, they cannot be

[Mr. John Horam]

confident in such monitoring. On those grounds alone, my hon. Friends would be absolutely right to press new clause 4 to a Division.

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): The amendments, like the many that we debated in Committee, reflect an overall concern about how the Government's policies on airport development, including airspace change and the mitigation of aircraft noise and emissions, play out in practice.

As everyone in the Chamber knows, the purpose of the "Future of Air Transport" White Paper was to set out a strategic framework for the development of air travel in the United Kingdom, looking ahead to 2030. That forward planning was intended, in part, to give people living near to airports some clarity about how their local circumstances might change in future and to enable planning to deal with the environmental impacts of air transport. We do not deny that such impacts exist, although advances in technology have delivered quieter aircraft and noise abatement operational processes, such as continuous descent approach, have been developed. Both those points came out strongly from the characteristically excellent speeches made by my hon. Friends the Members for Manchester, Blackley (Graham Stringer) and for Crawley (Laura Moffatt). Night noise and daytime contours have been maintained, or even reduced, at some major airports, despite the growth in movement numbers. I hope that we all realise that such growth is not just about an abstract of economic benefit, but about real jobs and wealth and maintaining the UK's competitiveness.

7.45 pm

My hon. Friend the Member for Hayes and Harlington (John McDonnell) made a good point when he rightly advised us to end the false division between those who support a healthy aviation industry and those who are concerned with sustainability. Everyone who is sensible should want to strike a proper balance between those objectives, even if there is sometimes disagreement among or within parties about how that would be best done. My concern with the way in which such debates play out in practice is more with individuals who understandably make points on behalf of their constituencies and are unwilling to consider the regional and national economic interest or to engage maturely in discussion about how best to deliver real improvements.

Mr. Bruster: On striking that balance, I would be most grateful if the Minister would clarify which side of the argument—the aviation industry or the environmentalists—supports the Government's view that Stansted should have the next expansion.

Ms Buck: With respect, we are not discussing the "Future of Air Transport" White Paper, but the Civil Aviation Bill. The White Paper set out the framework for airport expansion throughout the country, but I am not sure that this is the time or place to reopen that debate.

I shall start what I think will be a fairly detailed contribution—so detailed, in fact, that it will make the collected Proust look like a short story—by saying a little about Nottingham East Midlands airport because the concerns of hon. Members from in and around the area served by it have been at the forefront of our debates on Second Reading, in Committee and today. NEMA has been held up as an example of why the Government should not trust airport operators to deal with noise complaints themselves. However, I shall first discuss the general principles of new clause 4.

I have some sympathy with the aim of identifying aircraft for the purpose of responding to noise complaints. I understand the frustration that people may feel when it is not possible to identify a plane that has disturbed them, although that is generally unlikely to be due to a lack of will on an airport's part. It might be helpful if I recap for hon. Members who were not Committee members the availability of flight data and where the data are held. There is no single comprehensive source of information and no complete record of all flights.

Most large airports, such as the London airports and NEMA, operate a noise and track-keeping system. That is specific to the airport's movements and is usually limited to a range of approximately 25 miles. Complainants can call or write to an airport with details of the date and time when they were disturbed. The airport can then provide details, such as the height of the aircraft, its operator and its destination. As most commercial aircraft fly at their lowest, and are thus at their loudest, on approach and departure, most complaints relate to aircraft within an airport's noise and track-keeping system.

There is a competitive market for air traffic control service provision at airports. National Air Traffic Services is responsible for providing en-route air traffic control for flights in corridors from 5,000 ft up to 24,500 ft, 20 miles from their arrival and departure airports. All air traffic control providers are responsible for providing that service for those flights that operate only in controlled airspace, which is made up of terminal control areas surrounding the major airports and airways that link the control areas.

Air traffic control providers may retain radar records for 30 days to facilitate the investigation of incidents. It would take them some time to do individual checks if asked to do so, and they could only provide height information. If available, they might be able to say what the destination and point of departure had been, but they would not be able to identify the operator or aircraft type. It would be up to the person complaining to have sufficient information on the incident in question and to ask for the information promptly.

However, flights in uncontrolled airspace are not compelled to receive an air traffic control service. Nor are they required to notify the flight for the purpose of receiving permission to fly in such airspace. Consequently, flight data are often not available for such flights. Nor is it easy to estimate aircraft heights accurately, even for trained observers. An aircraft that might be assumed to have come from a particular airport may have come from elsewhere and be flying much higher than the observer believes. It may seem to complainants that an airport does not try hard enough to identify the aircraft that disturbs them or is too quick to say that it is not one of theirs, but there is no

guarantee that a central inquiry point, such as the commercial flights officer, would be any more successful or responsive.

I recognise local concerns about aircraft noise in the area of NEMA, which is at the heart of the set of complaints. My Department—Ministers and officials alike—is ensuring that all reasonable action is taken by the airport and its operators to reduce noise at its source and to mitigate its effects. The airport is now fully committed to responding effectively. It knows that it needs to be a considerate neighbour to local residents. It is to undertake a comprehensive review of its complaints procedures; it is recruiting staff for a new customer relations department to improve the speed and quality of its handling of complaints; and it plans a new noise compensation scheme.

Operational performance at NEMA has significantly improved, and track-keeping compliance—the extent to which departing aircraft keep to routes designed to minimise their noise impact on people below—is at almost 100 per cent.

David Taylor: The Minister is right to note that there have been attempts at improvement, and noise preferential routes have had an effect. However, is she aware that her predecessor, together with the airport, imposed the 10-point plan that is the framework within which the airport operates? The relevant local authorities and community groups in the area were not in favour and thought it a weak and relatively toothless document.

Ms Buck: I am aware of the 10-point plan and that not everyone is satisfied with it. I am extremely conscious that even now not everyone is happy with NEMA's performance, despite the improvements. We need to continue to bear down on it, to work with it and to ensure that the improvements continue.

The continuous descent approach, which seeks to minimise the noise of arriving flights, is achieved by 70 per cent. of aircraft. However, NEMA is not complacent. It is aware that it has to keep driving for even better performance. It has indicated that it wishes to take advantage of the noise control powers proposed in clause 4 to take tougher local action to protect the noise environment. I do not doubt that it will.

This year's master plan, due later this year, will recast NEMA's 10-point plan on noise amelioration, setting out details of its further plans to minimise noise impacts and to respond to community concerns. The results of a recently announced MORI poll, described by my hon. Friend the Member for Manchester, Blackley, clearly show majority support for the airport in its locality and that concern about its impact on noise centred on those areas affected by recent routeing changes. It is true that the airspace change at NEMA means that some people are overflown more frequently than before, and those people will, of course, be dissatisfied with that state of affairs, but I ask hon. Members to remember that overall the route changes have significantly reduced the number of people overflown at a height that is likely to cause disturbance.

The airport is doing its best to engage with the local community. It operates an open-door policy to show its operations to those who are interested and to talk through their concerns. I urge any hon. Member who has spoken and who has not made a visit to contact the managing director of the airport. I look forward to meeting MPs in the vicinity later this week to discuss the issues.

Mr. Todd: As a frequent visitor to the airport, I meet the authorities regularly. The Bill gives them powers to fine operators and to establish their own noise control environment without a process for auditing whether that is an appropriate scheme for noise control or for penalties. Why did the Government decide to evade any independent process and leave it entirely to any airport, not just NEMA, that is not designated?

Ms Buck: We reserved the right to designate airports and to intervene if they fail in their duty to bear down on noise and to act as good neighbours. However, as a starting point—this is not a new position, but a longstanding policy of Governments of both political colours—it is for the local airport to work with its local partners to ensure that there is a local solution.

In our White Paper "The Future of Air Transport", the Government signalled their support for growth of NEMA strategic night freight business, but that was not unconditional. We said that it would need to be accompanied by stringent controls on night noise, in particular, and increasingly generous noise insulation and other mitigation measures. That remains our position.

There have been calls to designate NEMA, as demonstrated in the last two interventions, by highlighting the number of night flights compared to those at the designated London airports, but it cannot be compared on an equal basis with the designated London airports. It serves a different market and the nature of operations is not the same. Nor should it be assumed that should the airport be designated there would be more stringent controls on noise or night flying than those already in place or planned by the airport operator itself.

The provisions in clause 4, which, as I said, NEMA intends to make use of, will place beyond all doubt the power of airport operators to establish and enforce both noise abatement operational procedures and operating restrictions for their airports. Putting responsibility for those aspects of the balanced approach to addressing aircraft noise in the hands of airports rightly gives them the incentive to manage and respond to local pressures. It must be right that individual airports should lead in deciding what elements of the balanced approach best provide the right solution in the light of local circumstances.

Mr. Todd: I want to get absolute clarity. My hon. Friend is saying that the only recourse is to turn to her for designation or to seek judicial review of the judgments that NEMA or any other airport might make on either its operating controls or its charging system for those who breach them. Is that correct?

Ms Buck: There is a range of different measures—the relationship that the airport will have with its operators and local community through its consultative committee, and the powers of the Secretary of State to intervene—but the default position is that it is better for those airports to work out local solutions to local problems.

Airports already take action to encourage and drive airlines to improve their operational noise performance. That has been working well. For example, more than 95 per cent. of flights at Manchester stick to noise preferential routes, and the percentage is even higher at Heathrow. Clearly, that has not happened by accident, but reflects the fact that airports are willing and able to work with airlines to improve their performance. Achieving adherence to noise preferential routes requires investment in procedures and training, which have a cost and time commitment associated with them.

Monitoring and managing noise is a crucial part of the day-to-day operational business of airports. We expect them to pay careful attention to that and to manage their responsibility with suitable professionalism and integrity. They know that it is important to retain the faith and good will of local communities. The Government have confidence that the system works well and do not consider that the additional regulatory burden and cost associated with the establishment of a commercial flights officer would be a proportionate response to a situation in which airport operators are working as hard as possible to be considerate to their neighbours.

Justine Greening: Will the Minister give way?

Ms Buck: No. I have taken several interventions and have a number of points to work through.

Under section 76 of the Civil Aviation Act 1982, an aircraft flying at a reasonable height and in accordance with the provisions of the air navigation order or the rules of the air cannot be subject to legal action for trespass or causing a nuisance. That important principle has been part of UK civil aviation law since the earliest days of commercial aviation, and it has been upheld by successive Governments. Even if a commercial flights officer were able to identify flights from the often limited information that members of the public could provide, further action against the operator of that flight could be taken only if it had not been following air traffic control instructions—assuming, of course, that it was in controlled airspace at the time. It therefore seems to me that the additional regulatory burden that the creation of a commercial flights officer would impose on air traffic control providers in particular would far outweigh whatever limited additional benefit would result from his office, given that this would not involve any powers of enforcement.

I realise that that may sound unsympathetic. I understand the annoyance felt by members of the public when they are disturbed by aircraft noise, and their wish to know who has caused that disturbance, but I remain of the view that the right way to seek to achieve that is through the local airport, and that the industry should focus on keeping aircraft noise to a minimum and mitigating its effects.

8 pm

New clause 6 and amendment No. 17 relate to the issue of noise insulation. That will, I accept, be a matter of concern to those living close to our major airports, including Heathrow, although I think it only fair to point out that the noise environment around many of our airports has improved over time as new and quieter aircraft technologies have been introduced. Moreover, many people who have moved to the vicinity of airports in recent years will have done so with knowledge of the existing noise climate, and many of those properties will have benefited from previous insulation when noise levels were higher.

Lembit Öpik: I agree with the Minister about the new clause. For clarification, does she agree that, as it has been phrased, it would apply to all aerodromes, even small licensed ones with no regular flights? Will she confirm that the tone of her comments indicates that she is looking at large commercial airports, and that the Government do not regard general aviation aerodromes, which are small and generally used for training and so forth, as the main issue in this debate?

Ms Buck: We are conscious of the fact that there could be problems in aerodromes of all kinds, but the principal focus is on licensed and major aerodromes.

Ultimately, the Secretary of State has the power to require individual airports to provide acoustic insulation using his powers under sections 79 and 80 of the Civil Aviation Act, and indeed he has designated both Heathrow and Gatwick airports for this purpose. Currently though, noise insulation schemes are provided on a voluntary basis by airports, sometimes supported by local planning agreements. As stated in the White Paper, "The Future of Air Transport", the Government wish to see a continuation of that voluntary approach, but in addition, for the larger UK airports—those with more than 50,000 movements a year—we wish to see specific measures adopted either as an adaptation of existing schemes or when new mitigation schemes are brought forward.

John McDonnell: I am grateful for the Minister's response, but the purpose of amendment No. 17 is to draw attention to the fact that the existing voluntary arrangements, particularly regarding blight and noise blight arising from BAA's proposals for the third runway, are dividing communities. One side of the street is designated and the other is not. One part of Longford, "The Island", is not designated, but the top of the road is. There may now be time for the Government to intervene more directly in those voluntary arrangements.

Ms Buck: I hear what my hon. Friend says and I am happy to discuss the matter with him further.

We expect relevant airport operators to offer households subject to high levels of noise assistance with the costs of relocating and to offer acoustic insulation to other noise-sensitive buildings such as schools and hospitals. We have also suggested that airports where those criteria may bite may wish to start noise contouring to check their current noise levels, where they do not already do so, so that they can apply the criteria accurately.

As airports develop in future, we expect them to offer to purchase those properties suffering from both a high level of noise and a large increase in noise and to offer acoustic insulation to any residential property that suffers both from a medium to high level of noise and a large increase in noise. Those more generous provisions recognise that residents in such areas may have chosen to live there because they did not expect such development to take place.

Justine Greening: Will the hon. Lady tell us how the Government define "medium to high noise"? What decibel levels are used?

Ms Buck: I will not be drawn on specific decibel levels; we have a clear framework.

Mr. Duncan: Why not? What is the level? Tell us.

Ms Buck: We know that high noise is 69 dB.

Mr. Richard Bacon (South Norfolk) (Con): What about medium noise?

Ms Buck: It does not say here, so I cannot tell the House that figure. I will confirm the definition of medium noise. I think that I can safely say that it is below 69 dB.

For the reasons I have given, I believe that we have a comprehensive set of policies in place to deal with noise insulation in a wide range of buildings, and a power of enforcement that we will use if voluntary measures do not prove sufficient. I do not believe that the new clause and amendment are necessary and I invite my hon. Friends not to press them.

I understand that amendment No. 9, and the right of appeal to the Secretary of State against charges imposed using the powers in new section 38 that is inserted into the Bill by amendment No. 8, have been tabled in response to concerns on the part of the airline industry that at some future date they may be faced with unfair charges. However, in reality it seems unlikely to me that an airport would choose to alienate its customers by introducing new measures without reasonable notice, although clearly it has to balance this with the legitimate expectations of those living around the airport that measures will be introduced without undue delay. Any period of notice would inevitably need to reflect the complexity of the arrangements being introduced. If an airline felt that it was disadvantaged by the introduction of a charging regime at unreasonably short notice, the remedy of legal challenge would be open to it. I am sure that airports will have regard to International Civil Aviation Organisation guidance that noise-related charges should be non-discriminatory between users and should not be established at such levels as to be prohibitively high for the operation of certain aircraft.—*[Interruption.]* It is technical stuff.

Amendment No. 8 would require airports making charges using the powers in new section 38 of the 1982 Act to monitor their emissions and noise levels and publish the figures annually, and to publish their plans to reduce noise and pollution. We do not believe that those reporting requirements need to be statutory. We believe that charging schemes have a valuable role to play, but they are not the only influencing factor on noise and emissions from aircraft.

The larger airports that are more likely to take up the powers in new section 38 will already have been designated under section 35 of the 1982 Act and have consultative arrangements in place. Reporting on noise and emissions monitoring will take place through those arrangements; as regards noise, the largest airports are covered by the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003, which implement the European directive on noise-related operating restrictions.

Amendment No. 10 also imposes a reporting requirement, this time on the Secretary of State, who would be required to report annually to Parliament on the impact of airports' charging schemes on reducing noise and emissions, and on the means for monitoring noise and emissions at those airports and along flight paths. I do not believe that that would be an appropriate requirement. The levels of noise and emission at an aerodrome may vary for reasons other than the imposition of charges; for example, because of changes in the type of aircraft using the airport due to changes in the local economy, or improvements in operational practice driven by an airline operator's wish to improve fuel efficiency.

Before "The Future of Air Transport" was published, my Department consulted on a range of proposals to do with the control of noise from civil aircraft. One of these involved giving local authorities a role in non-designated airports' noise amelioration measures. Amendment No. 19 has a similar intent.

Mr. Redwood: Will the Minister give way?

Ms Buck: No, I have nearly finished.

Our conclusion, following consultation, was that such involvement of local authorities in non-designated airports' noise control measures would be too bureaucratic, given the existence of the power to designate an airport should its voluntary amelioration measures be inadequate. The Government remain of that view; local authorities have a statutory right to be included in the consultative arrangements made by airports designated under section 35 of the 1982 Act.

Mr. Redwood: Will the Minister give way?

Ms Buck: I am very conscious of the fact that I have already gone on too long and that people are anxious to move on, but I was keen to reply in detail. We have been in debate for some time and I am trying to conclude my remarks.

On amendments Nos. 21 and 1, the amendment in clause 2 to section 78(3) of the 1982 Act has clearly excited a great deal of concern among hon. Members whose constituencies are affected by night flying at the designated airports. On Second Reading and in Standing Committee, the Government sought to explain their position on the current night flying restrictions regime and on the proposals for a revised regime to run from October 2006 to October 2012. As hon. Members

[Ms Buck]

have mentioned, permission is currently being sought by a number of claimants for a judicial review of the consultation proposals.

Mr. Redwood: Why does the Minister bother to come to the House when she does not listen to anything that people say and has not made a single concession on the Bill, despite a lot of good advice from Members of all parties? What is the point? Is it not a travesty of democracy?

Ms Buck: I think that that was a rhetorical question.

I am anxious that the Government should not intrude on the role of the courts by commenting on a particular dispute concerning the application of the existing legislation on restrictions on night flights—including the way that aircraft are classified for such purposes—at Heathrow, Gatwick and Stansted. Consultation on the Government's proposed night flying restrictions closed on 16 September and we are giving careful consideration to the large number of responses received. I am grateful to all those who responded, including hon. Members. I will not be able to announce the outcome of the consultation in advance of completing the full consideration of responses, but I state again that the proposed change to the legislation will not impact on the current process to determine night flying restrictions at the designated airports from October 2006 to October 2012, regardless of whether the Bill completes its passage before that announcement is made, and that the restrictions will involve a limit on aircraft movements.

On the question of Heathrow, and in response to my hon. Friend the Member for Hayes and Harlington, the limit of 480,000 movements imposed by the planning inspector would also not be overturned by way of a future decision to set night flying restrictions without a movements limit. There would still be a total movements limit, and were there to be an increase in night flights, for example, that would be within the cap.

I think that it is the mood of the House that I should draw my comments to a conclusion. [HON. MEMBERS: "Yes."] I have read the mood of the House correctly. Although I realise that I have not satisfied the concerns of all Opposition Members, I have commented in detail on a number of those issues, as I did in Committee. I believe that the Bill strikes a proper balance between the environmental sustainability issues that cause concern to Members of Parliament and the need to maintain a healthy aviation industry.

Mr. Duncan: In view of everything that the Minister has said, we shall be pressing new clause 4 and amendment No. 1 to a Division.

Question put, That the clause be read a Second time:—

The House divided: Ayes 160, Noes 297.

Division No. 48] **[8.11 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Cameron, Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Mr. Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Hunt, Mr. Jeremy
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas

Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Andrew Selous and
Mr. John Randall

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacNeil, Mr. Angus
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Williams, Hywel

Wills, Mr. Michael	Wright, David
Winnick, Mr. David	Wright, Mr. Iain
Winterton, Ms Rosie	
Wishart, Pete	**Tellers for the Noes:**
Woolas, Mr. Phil	**Mr. John Heppell and**
Wright, Mr. Anthony	**Mr. Dave Watts**

Question accordingly negatived.

New Clause 5

REPORTING OF BANNED AIRLINES

'(1) Within one month after the passing of this Act, the Secretary of State shall lay before Parliament—

(a) a list of the airlines which are banned from United Kingdom air space, and

(b) a list of the airlines which are permitted to fly in United Kingdom air space which are banned in any other country of the European Union and the reasons why the Secretary of State has chosen not to ban these airlines from United Kingdom air space.

(2) The list produced under subsection (1) shall be updated monthly.'. —*[Tom Brake.]*

Brought up, and read the First time.

Tom Brake: I beg to move, That the clause be read a Second time.

Hon. Members might be wondering why the new clause has been proposed now and why the subject has not come up in previous debates. A series of crashes made August 2005 one of the worst months in recent years for aviation accidents: on 14 August a Helios Airways flight crashed, killing 121 people; on 16 August a Colombian plane operated by West Caribbean Airways crashed, killing 160 people; and on 23 August, a Boeing 737 crashed on an internal flight in Peru, reportedly killing 40 people. That is why we are moving the new clause today.

I have pulled some information off websites to illustrate the present position on airlines that are banned in the UK and countries whose aircraft are banned from flying to the UK. The countries include the Democratic Republic of the Congo, Equatorial Guinea, Liberia, Sierra Leone, Swaziland and Tajikistan; the airlines include Air Mauritanie, Phoenix Aviation and Thailand's Phuket Airlines. One can discover the state of play in other countries, too. The Swiss have simplified their policy by stating that they will ban from their air space any airline that has already been banned by the European Union or by a European Free Trade Association state. However, they then add a couple of other airlines—Flash Airlines from Egypt and Air Van Airlines from Armenia.

There is quite a long list of airlines banned from flying in Belgian air space. There are some airlines that are common with the Swiss list, including Air Van Airlines, for instance. There are other airlines that are not included, and certainly on the UK list. The list of airlines banned from French air space is not consistent with the list of those airlines that are banned from the UK's air space.

The purpose of the new clause is to introduce some consistency so that those who are wanting to make judgments about which airlines to fly with can do so in the full knowledge of whether those airlines are banned in the UK and whether they are banned in other countries. If they are banned from flying to other countries, we should know why the Secretary of State has chosen not to ban them from UK air space.

It may be that the Minister will say that none of the airlines that are on the French list or on the Belgian list fly to the UK. That would be welcome. The Minister will also need to say whether there are any discussions already with those countries to ensure that there is consistency. I am aware that at a European Union level there are plans to introduce a common list, but we need measures to be taken much sooner. There are no guarantees that the EU will come to a swift and satisfactory conclusion on this very important issue.

8.30 pm

When the Minister responds, I hope that he will be able to clarify exactly what the relationship is between the Department of Trade and Industry and its counterparts in relation to banning airlines and whether there is, when the French ban an airline, for example, immediate discussion with the UK about whether it would be appropriate for that airline to be banned in the UK. I hope also that the Minister will be able to set out the time scales for coming to a conclusion at an EU level. If the time scales mean that we will have to wait for months or years before some sort of decision is implemented at an EU level, it would be entirely appropriate for the UK Government to publicise, albeit in a rather discreet way, the airlines that are banned. That information does not hit us when we go to the Department's website to try to find it. It would be entirely appropriate also for our Government to take action now to make it clear why, if other countries are banning airlines from flying into their air space, we have not chosen to do the same thing.

I hope that the Minister will be able to give some reassurances on these matters. If not, I will be seeking to push the new clause to a vote.

Mr. Brazier: My party has some sympathy with the thinking behind the new clause but it is not able to support it. The hon. Member for Carshalton and Wallington (Tom Brake) has set out concerns about a number of airlines that have poor safety records. He has said that a number of them are banned from visiting the UK. He started to lose me when he suggested that his clause could be a half-way step towards ultimately the issuing of EU-wide guidance, if I understood him correctly. He may wish to clarify that.

It seems to the Opposition that the issue should be decided by national authorities—the Civil Aviation Authority in our case. We have a particular reason why we do not think that a particular airline is safe and may disagree with other countries on that. Conversely there are circumstances where a European-wide body might come under pressure to ban a particular airline for a reason that had nothing to do with its safety record.

Tom Brake: The hon. Gentleman has understood our position correctly. If the time scales for introducing something at an EU level—I think that that is the appropriate way to proceed—are such that we are talking of the long-term future, it would be appropriate for the UK Government to introduce the clause as a half-way house.

Mr. Brazier: I am grateful to the hon. Gentleman for confirming his position. We are firmly opposed to giving up sovereignty in this area. That is not a matter of ideology but it is the straightforward fact that we or the CAA may take a view that a particular airline is dangerous when other equivalents abroad do not. There could be circumstances in which the International Air Transport Association might come under pressure for commercial or political reasons, or whatever, to ban an airline that did not have a poor safety record.

What is the provision which has been described as a halfway house trying to achieve? The hon. Member for Carshalton and Wallington has made it clear that the list is already available. It may not be as prominent on the website as he would like, but we do not need primary legislation to rectify that. If a particular airline has been banned by another EU country but not by the UK, we can ask the CAA why it has taken that view. We can see no reason for adopting the new clause.

Dr. John Pugh (Southport) (LD): I accept the argument that in the European Union undue pressure may be applied to organisations to ban a particular airline for commercial reasons, but why does the hon. Gentleman think that that will not happen at a national level? Precisely such a danger could be present. France, for example, might choose to ban an airline if it found it commercially convenient to do so.

Mr. Brazier: The hon. Gentleman has just made my point for me. It is most unlikely that the Civil Aviation Authority would want to ban an airline for commercial reasons. It has a long history of focusing on aviation safety and its other duties. Its French equivalent is extremely competent and has a comparable level of technical expertise, but it is much more subject to Government pressures than the CAA.

Finally, without wishing to try your patience, Mr. Deputy Speaker, we cannot discuss the real danger to aviation safety because the amendment dealing with the transfer of powers from the CAA to European Aviation Safety Agency on certificates of airworthiness—the cornerstone of air safety—was not selected. The fact that the individuals concerned here and in France do not want to transfer along with those powers opens up a frightening gap in the medium term.

To conclude, while we have the greatest sympathy with Liberal Democrat concerns for aviation safety, we do not think that their proposal would improve it.

The Minister of State, Department for Transport (Dr. Stephen Ladyman): It does not happen very often, but when it does, we should acknowledge it—I agreed almost entirely with the contribution of the hon. Member for Canterbury (Mr. Brazier), who marshalled his thoughts on the new clause very well.

I understand why the hon. Member for Carshalton and Wallington (Tom Brake) has raised these concerns, and I would have been surprised if someone had not done so. However, the efforts of the Department and the CAA, which we are pursuing through the European Union, are adequate to deal with the matter. Briefly, any airline from outside the EU, Iceland, Norway or Switzerland which wishes to pick up or put down passengers or cargo in the UK requires a permit from the Secretary of State for Transport. It is a condition of the permit that the airline should be operated in accordance with international safety standards established by International Civil Aviation Organisation. If we have doubts about whether an aircraft or airline complies with international safety standards, we will arrange for the aircraft to be inspected by the Civil Aviation Authority. Permits may be refused, and existing permits suspended or revoked by the Secretary of State. That can occur where there is a breach of a permit condition, including non-compliance with international safety standards. Permit decisions are reviewed in the light of new information or changed circumstances. While a restriction placed on a foreign airline by another EU member state will be taken into account when considering the issue of a permit, the final decision rests with the Secretary of State.

A list of foreign airlines to which the Secretary of State has refused permission to operate commercial services to the UK is published on the Department's website, as the hon. Member for Carshalton and Wallington said. I noted his comment that it is not prominent on the website, and I shall make sure that that is reviewed. I have no reason to believe, however, that it is difficult to find that list if one knows what one is looking for. The list is amended promptly, as and when necessary.

As to airlines refused operating permission by other member states, we currently have access to this information only through the safety assessment of foreign aircraft programme established by the European civil aviation conference. This information is shared in confidence and on the understanding that only the state making the decision should make it public. It would therefore not be appropriate for us to make public reports listing airlines banned by other member states.

I recognise however the need for greater transparency and consistency in dealing with the safety of foreign aircraft within Europe. Hon. Members may be reassured to know that a European directive on the safety of third-country aircraft using Community airports was adopted on 21 April 2004 and will be implemented by 30 April next year. The directive establishes a harmonised procedure for safety inspections of third-country aircraft and for the sharing of information derived from such inspections. In addition, it provides a mechanism for a restriction imposed by one member state to be extended to the whole Community.

In addition, a regulation is being developed by the European Union which would require the European Commission to publish a list of airlines that have been refused permission to operate commercial services to any member states. Latest discussions of the proposal suggest that it may be amended to establish common criteria for the refusal of operating permission to third-country airlines and the establishment of a list of airlines refused permission to operate to any Community airport.

I took the UK chair at Transport Council in Luxembourg last week, where the matter was discussed with a view to progressing it. The French Government

[Dr. Stephen Ladyman]

are particularly anxious for progress to be made, because a number of French citizens lost their lives in accidents over the summer. I can assure the hon. Gentleman that the matter is being treated urgently by the Commission and by the Council. In the light of the action already being taken in respect of the safety of foreign airlines, the amendment is unnecessary and I invite the hon. Gentleman to withdraw it.

Dr. Pugh: If the European Community draws up its own list and it does not exactly coincide with the British list, will the British list still be paramount for the UK Government, or will European law in this case have primacy?

Dr. Ladyman: That is the area where the debate is taking place—how we resolve the differences between states. I may be doing the French an injustice in paraphrasing their position, but as I understand it, they believe that the list adopted should be a superset of all the lists of all the member states, so that no airline that is banned in one country can fly in another. However, there is some disagreement in Council about whether that is the correct approach. Other member states take the position that if a member state wishes to include on its list an airline that is not included on the lists of other member states, it should be for that state to do so in respect of its own nation, and for it to try and convince the other member states that we should all upgrade our lists to its standard.

The position of the UK Government is clear. We expect to see a standard that meets the UK criteria—in other words, we reserve the right to see that any airline that we want banned is banned from the UK. But how we ultimately resolve the issue and get agreement across all the partners is a matter for continuing discussion in Council. I expect to see further progress by the next Transport Council, which is in early December. With that, I hope I have convinced hon. Gentlemen that we are working urgently to resolve the matter not only through the actions that we have already taken in the UK, but among the partners of the EU, where it is being given the appropriate level of priority.

Tom Brake: I thank the Minister for setting out the progress that is being made, which is welcome. I was aware of some of the matters that he mentioned, but not of others. He has highlighted the fact that confusion will persist among air travellers about why certain airlines can operate in UK air space, whereas they cannot in other countries, particularly when the information about the banned airlines in other EU countries is available to those who have the nous to find it on those countries' websites.

I am afraid that the Minister, while setting out the progress that has been made, has not addressed the central issue, which is the confusion that will exist among air travellers as to why different standards apply. That information needs to be made public, so I should like to press the new clause to a vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 56, Noes 290.

Division No. 49] **[8.45 pm**

AYES

Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Brake, Tom
Bread, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Davey, Mr. Edward
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Hands, Mr. Greg
Heath, Mr. David
Hemming, John
Horwood, Mr. Martin
Hosie, Stewart
Howarth, David
Huhne, Chris
Hunter, Mark
Kramer, Susan
Lamb, Norman
Leech, Mr. John
Llwyd, Mr. Elfyn
MacNeil, Mr. Angus
McCrea, Dr. William
Moore, Mr. Michael
Mulholland, Greg
Öpik, Lembit
Penrose, John
Pugh, Dr. John
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Sanders, Mr. Adrian
Smith, Sir Robert
Spink, Bob
Teather, Sarah
Thurso, John
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wishart, Pete

Tellers for the Ayes:
Bob Russell and
Andrew Stunell

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Diamore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela

Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malloch, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Oliver, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Terni, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain

Tellers for the Noes:
Mr. Tom Watson and
Mr. John Heppell

Question accordingly negatived.

New Clause 7

Facilities for Consultation at Certain Aerodromes

'For section 35 of the Civil Aviation Act 1982 (c. 16) (facilities for consultation at certain aerodromes) substitute—

"(1) At all aerodromes designated for the purposes of this section by the Secretary of State, the local authority shall establish a committee including representatives of—

(a) users of the aerodrome,

(b) relevant local authorities, and

(c) any other organisation representing the interests of persons concerned with the locality in which the aerodrome is situated,

for the purpose of consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests.

(2) The chairperson of any committee established under subsection (1) shall be independent.

(3) The local authority shall publish the minutes of all meetings held by a committee established under section (1).

(4) The Secretary of State shall, by regulation, establish a system for the independent monitoring of consultative committees established under section 35 of the Civil Aviation Act 1982 (c. 16), to ensure—

(a) that Department of Transport guidelines on consultative committees are produced, pursuant to section 35 of the 1982 Act,

(b) fair representation of the full range of local interests, providing that does not make the committee of a size that it precludes it from functioning effectively, and

(c) that the appointment of the chairman and secretary of the committee are sufficiently independent.'.

—[Tom Brake.]

Brought up, and read the First time.

Tom Brake: I beg to move, That the clause be read a Second time.

[Tom Brake]

I am pleased to have an opportunity, albeit brief, to speak to new clause 7. For Members who may not be familiar with section 35 of the Civil Aviation Act 1982, it states:

"The person having the management of any aerodrome . . . shall provide . . . adequate facilities for consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests."

The new clause would change section 35, making it the responsibility of the local authority to establish a committee, including representatives of—

It being Nine o'clock, MR. DEPUTY SPEAKER, *put the Questions necessary to bring proceedings on consideration of the Bill to a conclusion, pursuant to Order [27 June].*

Clause 2

REGULATION BY SECRETARY OF STATE OF NOISE AND VIBRATION FROM AIRCRAFT

Amendment proposed: No. 1, in page 2, line 41, leave out subsection (2).—*[Mr. Duncan.]*

Question put, That the amendment be made:—

The House divided: Ayes 213, Noes 278.

Division No. 50] **[9.00 pm**

AYES

Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Connack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Henry, Charles
Herbert, Mr. Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Mr. Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hunter, Mark
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Taylor, Mr. Ian
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes: Andrew Selous and Mr. Mark Prisk

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera

Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malloher, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, Mr. Stephen
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms [illegible]
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain

Tellers for the Noes:
Mr. Vernon Coaker and
Mr. Dave Watts

Question accordingly negatived.

Order for Third Reading read.

9.12 pm

Ms Buck: I beg to move, That the Bill be now read the Third time.

I am grateful to everyone, or nearly everyone, who has taken part in the debate and in Committee. We have given the Bill a thorough consideration.

I shall be brief in my remarks but I would like to spend a few minutes on an aspect of the debate that we unfortunately did not have sufficient opportunity to

[Ms Buck]

discuss. On Second Reading, we promised to return with a statement on our attitude to the Civil Aviation Authority's proposal for a £1 levy on all air passengers departing from the UK to help us deal with tour operator and airline insolvency. Those amendments were not selected so I placed a written statement before the House setting out our response to the proposals.

We decided on balance that regulation on that scale would not be proportionate given that the risk to passengers can be reduced in other ways and that the risk of airline failure is small.

Mr. Donohoe: Has the Minister considered the number of airlines in the United States that are under chapter 11 and on the edge of bankruptcy? Swissair has already gone belly up and other European airlines are in the same position. In such cases, what will happen to UK passengers if they are not covered by insurance, which is the present state of play?

Ms Buck: I will try to cover some of those remarks but I do not want to detain the House too much.

Mrs. Dunwoody: My hon. Friend will be aware that there was a failure during the summer. Although it received astonishingly little publicity, there is no doubt that a lot of people were stranded. It happened to be convenient that many people got on other planes. She should seriously consider the fact that airlines can go belly up.

Ms Buck: I will address my hon. Friend's remarks. As I have said, the CAA's advice states that

"the chance of failing is roughly between 2 and 3 per cent."

We believe on balance that insurance should only be compulsory in exceptional circumstances. We do not require travellers to take out medical insurance or an E111. Even with car insurance, the legal requirement is limited to third-party liabilities. The Government have already been working with the airline industry to improve consumer information about insurance cover when booking flights. UK airlines have helped us to develop a basic message for passengers.

Mr. Duncan: Is not this also effectively a third-party liability, which is roughly equivalent to the other scale of risk where compulsory insurance ingredients are required?

Ms Buck: I am not sure what the hon. Gentleman means. I cannot see that there is third-party liability; this is a form of compulsory insurance. We weighed up a number of pros and cons—the argument was finely balanced—and we found no other area of public policy where we would expect people to be insured compulsorily.

Tom Brake: On weighing up the pros and cons, how did the Minister weigh up the £100 million of regulatory costs that the CAA's proposal would have saved versus, as far as I can tell, no saving in regulatory costs for the policy of doing nothing that she has adopted?

Ms Buck: The costs effectively fall on different parts of the industry. In considering the issue, we bore in mind not only the points about consumer protection and insurance, but the fact that the different parts of the industry had very different interests. The tour operators were generally in favour of one approach, and the airlines were generally, with some exceptions, in favour of another. So it is a question of considering all the different players and then making a decision.

My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) referred to the Irish airline, EUjet, which failed this summer. Other low-cost airlines stepped in to help passengers get home. Similarly, when Swissair and Sabena failed, other full-service airlines honoured the homeward tickets of passengers abroad. The Government have been encouraged by the willingness expressed by airlines to ensure that travellers have better information about insurance and by airlines' assurances that they would continue to take voluntary action on repatriation. I will talk further to airlines in the coming weeks to ensure that effective voluntary measures are in place as quickly as possible.

The Government are also asking the CAA to review whether the system of ATOL—air travel organisers' licensing—bonds could be replaced with a less burdensome means of meeting tour operators' obligations to package holiday-makers under the package travel directive, while replenishing the air travel trust fund following the passage of the Bill. I am also aware that the Transport Committee, which is chaired by my hon. Friend the Member for Crewe and Nantwich, will consider the issue and invite evidence on it during the next few weeks. I am sure that that will give us an opportunity to discuss this in detail.

Rob Marris (Wolverhampton, South-West) (Lab): Does my hon. Friend share my bemusement that the proponents of the scheme seem to suggest that someone who takes a Ryanair flight to Dublin for a stag weekend at a cost of £30 should pay £1 in insurance—the same as someone who is quite rich who goes to the Bahamas first class?

Ms Buck: That was certainly very much one of the considerations that was weighed up. Some advocates of the proposal claimed that it would end a two-tier system; but, on closer examination, it would merely replace one form of two-tier system with another. As I say, the proposal will be considered by the Select Committee, and no doubt, it will be considered further.

We do not deny the environmental impacts of aviation, which have been at the core of the debates on Second Reading and in Committee. We seek to reduce and mitigate those impacts wherever possible, but the Government remain of the view that, wherever possible, local solutions are best for local problems. We believe that airport operators will make appropriate use of the powers the Bill will make available to them to tackle environmental issues at local level. The Government have statutory powers that we can use where the voluntary approach does not suffice, and those powers will be deployed if necessary.

Mr. Garnier: Will the Minister give way?

Ms Buck: I will, but for absolutely the last time.

Mr. Garnier: I am extremely grateful. I know that the Government use the expression "local solutions" quite

frequently, but I am not sure that they know what "local" means. Does "local" mean close to the airport, or does it cover people, such as my constituents, who live 20 to 50 miles from the airport and who are adversely affected by it? At the minute, it does not look as though it means that.

Ms Buck: If my memory serves me, the default position is about 40 km from the central airport, and it can be extended further to 60 km. I believe that "local" is reasonably widely defined, and I hope that that is enough to satisfy the hon. and learned Gentleman that his concerns are covered by the powers in the Bill.

I appreciate hon. Members' concerns regarding the powers by which we control noise at Heathrow, Gatwick and Stansted. That was also the subject of a considerable amount of discussion in Committee. Any future proposals for changes to the noise control regime at Heathrow, Gatwick and Stansted would be subject to public consultation. The next night restrictions regime until 2012 will be based on current legislation and will continue to incorporate a movements limit. Airports' ability to set up noise control measures and impose penalties on aircraft operators will be enshrined in statute, but airports should follow a "balanced approach" when introducing new measures.

The Bill will also transfer the costs of the CAA's aviation health unit from the taxpayer to the aviation industry; a much fairer arrangement because those that benefit from this service will pay for it. Our Bill will sweep away unnecessary restrictions on public airport companies to develop their businesses.

John Smith (Vale of Glamorgan) (Lab): Will my hon. Friend give way?

Ms Buck: I am afraid that I am just about to conclude.

The Bill will abolish appeals to the Secretary of State in respect of route licence applications, which will speed up the take up of new air services, thus benefiting the consumer.

I believe this to be a good and balanced Bill, and I commend it to the House.

9.21 pm

Mr. Duncan: I do not want to detain the House long except to review our attitude to the Bill, which we have expressed from the very beginning. Where a lot of thought could have been put into devising a coherent policy enshrined in legislation for us to consider, we really have a complete hotchpotch. We have a random and arbitrary piece of legislation that lays down no coherent policy for the future benefit of the world. The Bill gives us no opportunity to distinguish properly between the poacher and the gamekeeper, and no coherent and consistent regime for either emissions or noise. It is apparent from the mood of the House that the Minister has very little enthusiastic support for the Bill from Labour Members.

John Smith: I am sure that, had we had the opportunity on Report to reach clause 7, hon. Members on both sides would have warmly welcomed the groundbreaking proposal to place a statutory duty on the Secretary of State for Transport to safeguard the health of aviation passengers. My understanding is that this is, indeed, a first in the world, and the Government should be congratulated on it. I just regret that that duty of care was not extended to the airlines themselves.

Mr. Duncan: Most of the health issues in the Bill, as well as in the amendments that we might have discussed today, are about the health of people on the ground, not in the air. If the hon. Gentleman has any objection to not being able to reach those clauses, he should take it up with his party, his Chief Whip and his Prime Minister for programming legislation and denying the House on every occasion that we consider a Bill the opportunity properly to scrutinise it. If the hon. Gentleman stands up and complains in the way that he has done, he has only himself to blame.

John Smith *rose—*

Mr. Duncan: No, I will not give way again.

It is apparent from what we have seen in the House tonight that there is very little support for the Bill on the Labour Benches. We have had a couple of speeches from Members with specific interests in airports in their constituencies, and it is distressing that we have heard no clear arguments for the environmental benefits of the Bill—be they about noise or emissions. The Bill is arbitrary and incoherent.

Perhaps the most dismaying comment was made just a second ago when the Minister said that she thought that local problems were best dealt with at local level. Emissions are not a local problem; they are a global problem. She should perhaps have come up with better solutions to that problem than she has tonight.

We are perhaps able on Third Reading to concentrate, as the Minister did, on the travel trust, the insurance against companies going bankrupt. I said on Second Reading that there was a clear argument for saying that the state should not insure anybody at all and that, in the modern world of travel, everyone should insure themselves as they do their house, their life or anything else. We are, of course, compelled to insure our motor cars, largely, as the Minister rightly said, because of the damage that they might do to other people.

We have pointed out that it is the inconsistency and inequity of the current regime of travel insurance that has become a complete and utter nonsense. We have inherited a model that was designed in the 1970s, when most people went abroad on package holidays. If a package tour company went bankrupt, the system potentially covered well over 90 per cent. of people travelling in such a way. The rise of low-cost airlines and increased international travel has shifted the balance dramatically away from such models, so far fewer people are now covered by the insurance that currently exists. We also have an insurance arrangement that leaves the supposedly effective model in deep deficit, so the Government are required to top it up. Many travellers think that they are covered when they are not. The perpetuation of the flawed model is thus the one option that is nonsensical.

There are two options. One is to say, "You all cover yourselves", and the other is to put a quid on everyone's ticket for perhaps four years so that we can get a kitty to cover people. The Government have shied away from

[Mr. Duncan]

that opinion by arguing that the modern world says that people can travel on a low-cost airline, insure themselves and somehow get home if they need to. However, an absurd piece of EU legislation called the package travel directive remains in place and that perpetuates the absurdly limited and fragmented model of cover. I have not heard from the Government about how they will introduce consistency after rejecting the model offered by the Civil Aviation Authority.

I think that I am right in saying that in the entire history of the European Union, no directive has been repealed by this House. We thus have a constitutional structure that is freezing on us a fossilised picture of cover, and this House, in debating this Bill, has neither the power, nor even the will, to overturn a directive that puts in place something that is now clearly nonsensical and absurd. I ask the Minister to her face whether it is now Government policy to persuade the Europ[illegible]

Ms Buck: I can tell the hon. Gentleman that we intend to enter into discussions with the CAA to examine a reform of the bonding system to ensure that companies that are currently covered by the package travel directive will be able to determine whether the burden on them, which they believe to be disproportionate, can be covered in an alternative way. We intend to do that because we realise that there is an issue for consumers and a possible inequity for different kinds of holiday providers.

Mr. Duncan: Quite clearly the answer is no. The Minister has no intention whatever of trying to repeal the package travel directive. Although we get 150 or so directives and 1,000 or more regulations a year, I believe it is true—I am happy to be disproved—that none has ever been revised or repealed. We are then in a constitutional and legislative ratchet. The situation is a perfect example of the Government believing that they are empowered to decide how companies and passengers should be affected, yet declining to make even an effort to address the problem and thus revise the situation. In other words, they accept whatever comes from the European Union and somehow work around it.

We shall be stuck with the ridiculous picture of an insurance that covers an old-fashioned part of the travel market. However, in the Government's own words, as they argue explicitly in a written statement published today—they at least deserve credit for putting out something detailed in a written statement—they do not accept the arguments for extending cover. They intend to perpetuate an unacceptable position and I am sorry that the Bill does not deal with that.

The Bill has good intentions. We all want to control noise and emissions, but it is a great pity that the opportunity to introduce a sensible and modern regime to control noise and emissions in a crowded and busy world has been lamentably missed.

9.29 pm

Mrs. Dunwoody: This is an extraordinarily incompetent piece of legislation. It misses most of the things that are important. I am concerned in particular about financial protection for air travellers. That should have been debated at great length. The original scheme, which was tailored for a particular set of circumstances, has been overcome by changes in the way in which people travel. It is also nonsense to suggest that people who buy furniture are the same as those who take a holiday abroad on a low-cost airline. By definition, people who use low-cost airlines with their families are not able to buy alternative tickets. If we seriously think that there will always be other seats available and that other airlines, including the two or three very good ones that are opposed to the measure, will always find places for people, we will get a bad shock. The Government will have to take responsibility for the large number of holidaymakers who are unable to return.

After the Bill was [illegible], the Minister means that she will ask for it to be removed altogether. Nothing will be done to reduce the incentive for tour operators to de-package their existing business, which threatens the viability of the ATOL scheme. Nothing will be done to simplify the system so that consumers can understand it. Nothing will be done to combat the increased risk of airline failures. That is a real risk. It is a pretend industry that hardly owns any assets and is sailing, in literal terms, very close to the wind. We will undoubtedly see a number of crashes—if not literal, then certainly economic ones—before long.

The unlevel playing field between tour operators and airlines will continue unless the Government intend to remove all protection. It is extraordinary for a Government who are trying so hard, under the guise of consumer protection, to wreck the way in which the national health service works to say that they are not interested, for the sake of £1 a ticket, in protecting the people who travel out of this country on holiday with their family.

It is a shame. I am sorry that the Government have taken that attitude. We shall return to the subject, but before that time comes, they will have the opportunity to rue their decision.

9.32 pm

Tom Brake: Clearly, the Bill is beneficial in parts. Clarifying the law on what airport operators can charge for noise and emissions, giving commercial freedom to public airport operators and making the CAA responsible for the health of people on board aircraft are positive developments. There are great concerns, however. The clearest of those is in relation to noise and breaking the link with the number of flights. The Bill does not reflect the House's concern about that.

As hon. Members said, the Bill has a gaping hole. The Minister was decent enough to recognise that by devoting a large part of her speech to the air travel trust fund and the £1 levy. I do not understand why the Government are failing to make moves on that simple issue, especially when the CAA has provided them with a simple solution that has the backing of the Federation of Tour Operators. The introduction of the £1 levy

would have made things clear to passengers who are confused about where they stand in relation to cover should the airline they are flying with fail. We are not talking about a small number of people. Each year, 84 million people are travelling without that insurance, and a large percentage of them will believe that they are insured.

There are questions that the Minister needs to answer. I asked her about the £100 million of savings in regulatory costs and gave her an opportunity to clarify what cost savings she expected to derive from her proposal, and she was unable to provide those figures. Has the Minister seen the economic analysis by Ernst and Young, commissioned on a brief agreed by the Department for Transport and the CAA, which looked at various options and concluded that a £1 levy on all flights is the most economically rational solution to the issue of providing passenger protection? What does the hon. Lady think of that analysis? It does listen to Members' views and take them into account. I am sure that he listened, but there is little evidence that he took into account the views on the air travel trust fund—quite the contrary.

Other Members have referred to EUjet. Is the hon. Lady aware that only 16 per cent. of the EUjet passengers were able to take advantage of special offers from other airlines to fly them back? What would she say to the 84 per cent. who found themselves stranded and had to make their own financial arrangements—in some cases, I am sure, at great cost—to get themselves repatriated to the UK?

The Minister has given the House nothing in the way of reassurance about how she will tackle the decline of ATOL protection. That is the biggest weakness in the Bill. There are lots of other valid measures, but the Minister and the Government have missed a huge opportunity to address one of the biggest issues in the industry, and I am sure that this will come back to haunt them the next time a UK airline fails and hundreds of passengers are stranded abroad. They will be wondering why the Government did not take up the CAA's offer of a solution to the problem, but left them stranded.

9.37 pm

Mr. Donohoe: Earlier this evening, I made a point of order about an amendment that I had tabled and indicated to you, Mr. Speaker, that I was surprised that it had not been selected. Despite your explanation, I remain extremely disappointed that the matter was not voiced as it should have been in our debates. The time that we had did not allow us to expand our discussion to address the issue properly.

It is not very often, Mr. Speaker, that I have differences with you in our debates, but in this instance I have to say that I am at variance with what the Government are saying about the £1 levy. I cannot believe that they equate the failure of an airline with a store going bankrupt. I find it astounding that anybody would suggest that it is like someone losing money after employing cowboy workmen. There is no common sense whatever in saying that the situation is like that of someone who is unfortunate enough to have losses on the stock market.

The hon. Member for Rutland and Melton (Mr. Duncan) raised the question of Europe. He was right to do so because, at some point, the Government will be forced to make significant alterations to the Bill. It is clear to me, at any rate, that there is an anomaly, and some discrimination, in the situation of the no-frills airlines and that of the chartered airlines. I do not know how the Government can say that, on balance, they have come to these conclusions. I want to know from the Minister what that balance was—was it 60:40, 70:30 or, as I suspect, something like 90:10?

9.39 pm

Lembit Öpik: I declare an interest as one of three members of the flying community in this House, together with the hon. Members for Aldershot (Mr. Howarth) and for Edinburgh, South (Nigel Griffiths). Let me add one observation about general aviation.

Some aspects of the Bill need to be considered a little more, as we have heard. As a pilot, I have been flabbergasted at the increase in costs at many of the large airports, particularly for general aviation pilots. The fact that the authorities have total jurisdiction over what they charge has resulted in a sky-rocketing of some of the costs. As has been made clear on Report, there is considerable concern over the proposed financial penalties, which the authorities will also be able to set at any level without recourse to appeal. That could be damaging to aviation as a whole, because there will be an enormous temptation to use such penalties as a revenue-making scheme. I know that the legislation states that all the money should be passed to those who are perceived to be suffering ill effects, but it is not as simple as that. I hope that if the scheme shows itself to be flawed the Government will be willing to reconsider it.

My second point relates to the explanatory notes. Any pilot would be concerned about paragraph 20 on page 5, which says:

"Requiring aircraft to take off or land in a given direction at a given time could also reduce the numbers of people subjected to the most severe aircraft noise."

On the face of it, that sounds perfectly reasonable—until one realises that pilots always have to land into wind. It is the most basic requirement. So it is disturbing, to say the least, to see in the explanatory notes the implication that the direction of landing may be altered in order to reduce the discomfort of noise for local people. As far as I can see, the Government could achieve that only by introducing a scheme to alter wind direction. Unless the Prime Minister can control the weather, which even he does not pretend, the explanatory note should be modified. If it is used as an opportunity to interpret the legislation, it will make things more rather than less dangerous.

Thirdly and finally, commercial aviation in this country is underpinned by general aviation, which is a multi-billion pound industry that does much to feed commercial aviation with pilots and to transport all manner of people around the country from small aerodromes. In interventions on Report, I sought reassurance—I think that I received it—that the intention of the Bill is not to influence general aviation.

[Lembit Öpik]

However, I hope that the Government will return to a couple of things that are very important to the general aviation sector. One is the question of N-registered aircraft—those registered in the United States but used in the UK for general aviation.

The Minister will be aware that general aviation is very concerned about the potential for banning N-registered aircraft from the British register. There have been signs of a change of heart, suggesting that that will not happen in the short term, but I hope that the Minister will be willing to meet representatives of the general aviation sector—I see her nodding, so I will take that as a yes—in order to discuss their concerns and the rationale behind allowing N-registered aircraft [illegible]. Connected to that there is a concern that, as we consider safety issues, Britain should learn from the experience of the United States, which provides pilots, particularly private pilots, with the opportunity to gain a less stringent instrument-rating qualification. In the United States, 50 per cent. of private pilots have that instrument rating, but in the United Kingdom, where instrument rating is far more complicated and difficult to secure, the qualification is possessed by less than 2 per cent. of the private pilot population. That has a bearing on safety for all carriers, including civil aviation and the commercial sector, because we all share the same airspace. Again, perhaps we can raise that subject in a meeting outside the Chamber.

My hon. Friend the Member for Carshalton and Wallington (Tom Brake) has highlighted our concerns. I hope that the explanatory note will be clarified and that the Government will keep a close eye on changes to costs and charges after the Bill is implemented.

9.45 pm

John McDonnell: Despite having opposed most of the Bill, I welcome parts of it, especially clause 7, which deals with the duty placed on the Secretary of State in respect of

"organising, carrying out and encouraging measures for safeguarding the health of persons on board aircraft."

That is a major breakthrough, which will have a significant impact on the health of passengers. However, I regret that we were unable to reach the amendments that would have extended that duty to responsibility for those who live in the vicinity of airports.

Research is demonstrating the impact of airports on those who live close to them. Emissions problems lead to increases in respiratory disease and we now have information and research from America on cancer rates in certain areas. In my constituency there is increasing evidence of birth defects resulting from air pollution in the area—some emanating from the airport, but some from the airport-related transport infrastructure, which has an impact on south Hillingdon. I would have liked some responsibility to be placed on the Secretary of State to consider and evaluate that information and to propose solutions to tackle such problems. Perhaps that is an issue for future legislation, which many of us will work to promote.

9.46 pm

Laura Moffatt: There is much to commend the Bill to the House, although it is difficult for me to disguise my disappointment about the £1 levy. I ask the Minister to ensure that those who have long taken a close interest in the matter and who are not members of the Select Committee are able to take part in any continuing debate with the Civil Aviation Authority. I shall be most grateful if we are included, and I take heart from the fact that there will be an opportunity to examine the matter further.

It seems stupid to me to say that a baggage loader at Gatwick airport is less interested in his or her environment than anyone else. I firmly believe that we can work in partnership on airport issues and I accept [illegible] the Bill that will improve the atmosphere surrounding airports. There should be no poachers and gamekeepers. We should work in partnership with one of the most successful industries in the UK. We must protect the environment and protect the industry itself.

9.47 pm

John Smith: I shall make only a brief speech at the end of this interesting Third Reading debate. I support the Bill: it is generally good, but I am absolutely delighted with the provisions of clause 7. The members of the campaign group VARDA—the Victims of Air Related Deep Vein Thrombosis Association—share my gratitude to the Government for taking the courageous step of introducing this legislation. The hon. Member for Rutland and Melton (Mr. Duncan) clearly has not read the Bill, because clause 7 imposes for the first time ever, in any country, a statutory duty to safeguard the health of airline passengers. It creates the aviation health unit, which will be financed through a levy on the airlines and which will carry out research into aviation health concerns and publish advice to passengers. It also extends air navigation orders to include, for the first time, health matters relating to the aviation industry.

In Committee, I tried to introduce a new clause that would have extended the Bill's powers and amended the Carriage by Air Act 1961 to override article 17 of the 1929 Warsaw convention, which limits the liability on injury to airline passengers—

Mr. Duncan: Will the hon. Gentleman give way on an important point?

John Smith: No, the hon. Gentleman is not interested—

Mr. Duncan: On a point of order, Mr. Speaker. For the record, it is important to make a distinction between new clause 7 and the existing clause 7. I think that the hon. Member for Vale of Glamorgan (John Smith) has misunderstood the position.

Mr. Speaker: That is a matter for debate rather than a point of order.

John Smith: Thank you for your ruling, Mr. Speaker.

We would have liked to see the Bill extended so that airlines had exactly the same duty of care towards their passengers as any other passenger carriers. It is absurd

in the 21st century, when 1.5 billion people fly every year and when more than 16 million people in this country fly long haul, that they have no protection from risks to their health and the airlines have no responsibility. I hope that the Government will revisit the situation. I am certain that the Bill is a step in the right direction and that it is only a matter of time before airlines come into line with all other passenger carriers. I support the Bill.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

FINANCE AND SERVICES

Ordered.

and Services Committee and Mr Eric Martlew be added.—*[Joan Ryan.]*

Asylum Seekers

Motion made, and Question proposed, That this House do now adjourn.—*[Joan Ryan.]*

9.51 pm

Mr. Neil Gerrard (Walthamstow) (Lab): I am pleased to have the opportunity to initiate the first Adjournment debate after the summer recess. The main issue that I want to raise is the change that was made during the recess to granting indefinite leave to people who were given refugee status, a change that was mentioned in the five-year plan that the Home Office produced earlier this year, but a change that had never been debated or at the end of August. When it became evident shortly before the summer recess that the change was likely to take place, several Members expressed concern. In the last few days before the summer recess more than 40 Members added their names to an early-day motion on the subject.

I really do not understand the reasoning behind the change. It reverses a policy that the Labour Government introduced in 1998. It was announced in the White Paper of July 1998. Before 1998, anyone who was given refugee status was given only temporary permission to stay and had to wait four years before they could apply for indefinite leave. In the 1998 White Paper, we said that the immediate granting of indefinite leave would help refugees to integrate more easily and quickly into society, to the benefit of the entire community into which they had been accepted. It then went on to say that this policy was wholly consistent with the Government commitment to a more humanitarian approach to the UK's obligations under the 1951 refugee convention and to faster identification of those in genuine need of protection.

Those arguments were absolutely right in 1998. I do not understand why the same arguments are not regarded as valid now. I know from correspondence that I have had with the Minister over the summer that he may say that things have changed since 1998, that we are now in a different situation and that the number of asylum applications has changed considerably. Indeed, it has dropped a lot in the past year or two. The Minister may well say that the time scale for decision making has changed. It is welcome that the time scale now for initial decisions is so much shorter than it used to be. The arguments that we made in 1998 for indefinite leave were not about numbers or time scales for decision making. They were about principles—what was the best way to help people whom we recognised as refugees to integrate into society, and how could we best operate our commitments under the 1951 convention? The convention does not explicitly demand that we immediately give indefinite leave to someone to whom we grant refugee status, and until 1998 we did not grant leave in such circumstances. However, doing so is in the spirit of the convention, and that is the argument that we made in the 1998 White Paper.

European countries do not all grant indefinite leave. In the five-year plan published earlier this year it was argued that a number of European countries granted refugees temporary leave initially rather than immediate settlement. That was true before 1998, however, and we did not regard it as a valid argument. If we are going to

[Mr. Neil Gerrard]

reverse the policy of granting indefinite leave—a policy that is only seven years old—it should be possible to point to problems that have arisen from its operation, but I am not aware of any argument that such problems have been created. I am convinced, however, that problems will be created by the reversal of the policy. It is disingenuous to say, as the Home Office has said in correspondence, that the change is not intended to prolong the uncertainty and instability faced by refugees, because that is exactly what it is guaranteed to do.

John McDonnell (Hayes and Harlington) (Lab): My hon. Friend said that we have not identified any problems that gave rise to a review of the policy. In many of our constituencies, we have witnessed the benefits of the policy introduced in 1998, which has provided the certainty and security sought by families who previously experienced the direst circumstances across the world.

Mr. Gerrard: I agree. The arguments for the change are contradictory. The five-year plan said that refugees

"may be joined by their immediate family and will be encouraged to find work and participate in local communities during their period of temporary leave. This will ensure they make a full contribution to the UK while here".

Leaving someone uncertain about how long they will remain here or what their future is militates against their being able to integrate and make a contribution. It cuts across the good things that have been done in the past five years. This Government were the first to produce a strategy for integration with the publication of "Full and Equal Citizens" in 2000. That document is still extremely valid, but things have progressed. Integration loans have been introduced, and there have been projects to help refugees integrate into society, many of which have been funded by the Home Office and have produced encouraging results. I do not see how our good work on integration accords with a step that will introduce greater uncertainty to people's lives.

May I draw the Minister's attention to a letter to the Home Secretary from a group of psychologists who work with refugees and asylum seekers? The points that it makes were confirmed by a worker in my local mental health trust who spends a great deal of her time working with refugees and asylum seekers.

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Joan Ryan.]*

Mr. Gerrard: The psychologists stated that they had grave concerns about the effect of the change on people with serious mental health problems that result from the circumstances of those who have become refugees. The psychologists viewed the granting of refugee status as signalling a phase of safety that allows them to begin work in earnest on tackling some of the symptoms that people are suffering. They went on to say that the prolonged uncertainties that people face when they are seeking asylum can have a serious detrimental effect on existing mental health problems, and that making refugee status conditional and temporary will make it much more difficult to work psychologically to improve the mental health of many of their clients.

The psychologists cite guidelines produced last year by the National Institute for Clinical Excellence on post-traumatic stress disorder, which specifically referred to the situation of refugees and stated that trauma-focused therapies were typically inappropriate and ineffective while people do not have the security of refugee status. These are important and powerful points. We are dealing with people whom we have recognised as refugees. We acknowledge that they have suffered persecution. Some of them have serious mental health problems that need prolonged treatment. Everyone who is dealing with the matter, such as NICE and the psychologists, is giving us the same message—that leaving those people with such uncertainty about their future will make it much more difficult to tackle post-traumatic stress, get them stabilised and deal with their mental health problems and the symptoms from which they have been suffering.

I recognise that the 1951 convention does not demand that we provide permanent protection, but experience shows that when conditions change in their countries of origin, people granted refugee status often go back voluntarily. There are voluntary returns going on all the time. Past waves of refugees—people whom I remember meeting 20 or 30 years ago, who had come to the UK from Chile or Argentina, and who had been political activists in those countries—wanted to go back when they saw that conditions had changed.

The change will affect another aspect of integration by making it much more difficult for people with temporary status to gain employment, which would help them to settle and to make a contribution. There will not necessarily be a fixed period of time. It is proposed that at the end of five years there will be a review if nothing has happened in the meantime, but in some cases that review could come within a year, 18 months, or two years of their being granted temporary status. If a decision is made that there has been a significant change in the country of origin, that will lead to a review of all the individual decisions regarding people from that country. How many employers will be keen to take on people whose status is uncertain? We know now that many people who have been given exceptional leave to remain, even though that carries with it permission to work, have difficulty in persuading employers that that really is the case. I do not want to get into a debate this evening on the Immigration, Asylum and Nationality Bill, but one or two of its provisions will make matters much more difficult, to the point where exceptional leave runs out.

There will be disagreements about whether conditions in countries of origin have changed sufficiently and—another important factor—whether such changes are permanent. The five-year plan and the statement referred to a change of conditions in the country that was regarded as sufficiently permanent. I am not sure how that judgment will be easily made. In the past 12 months we have seen some of the arguments that have cropped up about the returns to Zimbabwe, and now the possibility of forced returns of failed asylum seekers to Iraq. There will certainly be disputes about whether there have been genuine changes of condition,

and that will lead to a clogging up of the appeals system, because anyone who is told that their leave is being withdrawn will have the right of appeal under the Bill that we are now considering. In time it will also lead to the clogging up of Members' advice surgeries, because we will frequently be dealing with families with children who are in school and who have grown up here, and I am sure that I do not have to remind the Minister about how difficult it is now for the Home Office to deal with such removals. Those are the sort of people who will be told that, after three, four or five years of temporary protection, they will have to go back to [illegible] anyone who works with refugees who is supportive of the change. No legislation would be required. The measure was brought in without legislation and I urge the Minister to have another look at it.

Another matter that has been drawn to the attention of a number of hon. Members today concerns the situation of some British citizens who are married to failed asylum seekers. I would not necessarily expect answers this evening, but perhaps the Minister will consider what I have to say and perhaps write to me. Their husbands—it is often husbands—are told that they have to return to their country of origin. I understand the policies on marriage that have been applied in the Home Office for some time, going back to 1996 and DP3/96, and the reasoning behind that. Obviously fake marriages have been used to avoid immigration controls, but the Home Office is not questioning the genuine nature of the marriage of the people whom I and a number of other hon. Members met today. Nevertheless, it says that, because a marriage took place after a failed asylum claim, the person concerned must go back to their country of origin, or their spouse can accompany them. To tell a British citizen that they can accompany their spouse to the Democratic Republic of the Congo, Iran or Iraq, and make an application from there, is hardly credible when the Foreign Office advises British citizens not to set foot in such countries.

The way such cases are being dealt with needs to be looked at. I understand all the arguments about the need to deal with fake marriages—I have seen some fake marriages, as I am sure others have—but I am referring to marriages whose genuine nature is not in question yet we are asking either British citizens or their spouses to go to countries that the Foreign Office regards as dangerous. I am sure that the Minister will be approached by hon. Members about this and I hope that he will consider such cases with some sympathy and see whether we can adopt a rather more humanitarian approach than we are at present.

10.9 pm

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): I congratulate my hon. Friend the Member for Walthamstow (Mr. Gerrard) on securing the debate.

At the start of his remarks, my hon. Friend rightly pointed out that hon. Members should be given the opportunity to discuss such a significant policy change. I recognise that the debate is important, and it is pleasing to see so many of my hon. Friends and the hon. Member for North Southwark and Bermondsey (Simon Hughes).

I listened carefully to my hon. Friend, who has anticipated some of my arguments—he is well versed in reading letters from the Home Office—but if he listens to the detail, I can provide reassurance on many of his points. Although I have been in the House for only a short time, I know that no hon. Member is more assiduous than him in raising such matters and that his comments are born out of genuine concern.

The Government remain committed to the 1951 refugee convention, which is part of a legal and ethical framework that enshrines basic principles of [illegible] society may be judged on how it treats desperate people who are fleeing persecution. I do not accept that the new policy of granting refugees five years' limited leave to remain in the first instance rather than immediate settlement represents an erosion of the Government's commitment to refugees or to the international protection system in general. Hon. Members are understandably concerned about how the new policy will operate, which is why I want to take this opportunity clearly to set out why we are introducing it, how we envisage that it will work in practice and what its consequences will be for refugees and their families.

My hon. Friend has rightly pointed out that the Government's five-year strategy on asylum and immigration, which was published in February, set out our intention to introduce a policy of limited leave rather than immediate settlement for refugees, which was also a manifesto commitment. My hon. Friend the Minister for Immigration, Citizenship and Nationality announced the new policy to both Houses in a written ministerial statement on 19 July, and it was implemented on 30 August. From that date onwards, all refugees, other than those arriving in the UK under resettlement programmes, have been granted five years' limited leave to remain rather than immediate indefinite leave to remain.

We made that change for two main reasons: first, there should be a clear and consistent approach to those obtaining leave under the immigration rules on how long they have to be here before they become eligible for settlement, and we have decided to set that period at five years for most categories; secondly, we should provide refuge to people for as long as they need it, but if conditions in their country improve significantly, it is reasonable to expect them to return, particularly where they have spent only a relatively short period in the UK.

Some have argued that the new policy is not within the spirit of the refugee convention—I note that my hon. Friend has not made that argument this evening—while others have suggested that it flies in the face of the Government's decision in 1998 to give recognised refugees immediate indefinite leave to remain. Those considerations are important, and I shall address each of them in turn.

The refugee convention states that it shall cease to apply to someone who

"can no longer, because of the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of his country of nationality."

In other words, an individual is only a refugee for as long as he needs the protection of the refugee convention and for no longer. Our new policy is therefore within the

[Andy Burnham]

spirit of the refugee convention, but there should be no doubt that where the conditions that gave rise to a refugee's fear of persecution continue to exist after five years, we will allow them to seek permanent settlement in the UK. However, where there has been a significant and non-temporary change in conditions in their country sufficient to suggest that they could return in safety, they will be expected to return there—indeed, I am sure that many refugees would wish to go home in such circumstances.

Some have questioned why we have reversed the decision that we took in 1998 to give refugees immediate settlement; indeed, my hon. Friend raised that very point. He also anticipated the answer: we believe that the decision was the right one given the circumstances of the time and the immigration system that we inherited from the Conservatives, which was, as he will remember perhaps better than anybody, a system that was in crisis with huge backlogs. As a result, a large number of asylum seekers had been in the UK for many years before receiving decisions—even initial decisions—on their applications.

It is important to contrast that with the picture today. Backlogs in the system are at their lowest level for a decade. Asylum intake is back to 1997 levels and has fallen further and faster than in the EU as a whole in recent years. It was 76 per cent. lower in the UK in the second quarter of 2005 compared with the peak in October 2002, and 32 per cent. lower in the UK in 2004 than in 2003. That is the essential context of this debate, and it is largely the result of action that the Government have taken to increase the efficiency of the asylum process. More than 80 per cent. of initial decisions are now made within two months. We have brought forward legislation to deter unfounded asylum claims. As my hon. Friend knows, there have been three major pieces of legislation since 1997, as well as the Bill currently before the House on which detailed consideration will begin next week.

We believe that that process of reform should continue, and we are rolling out what we call the new asylum model that will result in tighter case management of asylum claims through to the final outcome, whether that be integration or removal. The new policy of limited leave for refugees is a return to one of the basic principles of the Geneva convention—that generally someone is a refugee only for as long as the conditions that mean that they will be at risk of persecution continue to exist. It brings the UK into line with most other European countries—that is an important point to stress. France, Germany, Spain, the Netherlands and Denmark, for example, all require a refugee to complete a period of temporary leave before applying for permanent residence. Refugees are now granted five years' limited leave from day one, which may—I stress that word—be subject to review if they bring themselves within the scope of the refugee convention's exclusion or cessation clauses through their own actions: for example, where a person commits a terrorist act or re-establishes himself in his country of origin.

Those triggers for review are not new. The new element is that refugee status and limited leave may—again, I stress that word—also be reviewed where there is a significant and non-temporary change in conditions in a country or part of a country that places in doubt the continuing need for protection in the UK of all or certain groups of refugees from that country or part of it. We would determine that such changes had taken place on the basis of objective country information. When we determine on the basis of that information, and other sources such as case law, that certain categories of claim are likely to be clearly unfounded and that the change is of a durable nature, we will consider whether to instigate a review of previous grants of refugee status and limited leave to those falling within the scope of those categories.

However, I can give my hon. Friend assurances on a number of points, and I hope that they will go some way towards reassuring him. First, any review will be conducted on a case-by-case basis, and the burden of proof will be on the immigration and nationality directorate—

Helen Goodman (Bishop Auckland) (Lab): The Minister makes an important point about addressing this on a case-by-case basis. He said earlier that one of the key things about the policy is that it should be reasonable. I put it to him that its whole approach has been drafted from the perspective of adults, not children. Five years is a long time for a child to be in one country. Will special account be taken of situations involving families with children? To have one's childhood torn up once is a tragedy, but to have it torn up twice is devastating.

Andy Burnham: I am grateful for my hon. Friend's point. I stress again that the review will be conducted on a case-by-case basis. The circumstances, such as country conditions, will be the trigger for a review but the factors that she mentions will be taken into account in any review of a specific case. I am sure that my hon. Friend believes as we do in the Home Office that that is the right thing to do. Reviews will be conducted on a case-by-case basis and the burden of proof will be on the IND to determine whether the individual continues to qualify for refugee status and limited leave.

The second assurance is that any decision to trigger a review on the basis of a change in country conditions will be made only following consultation with the United Nations High Commissioner for Refugees.

John McDonnell: Will the trigger mechanism for a specific case and country be reported to the House for debate?

Andy Burnham: I was about to deal with that point, which is very fair. The third assurance is that the scope of the review, before its conclusions had been reached, would be communicated to the House through a written ministerial statement.

Simon Hughes (North Southwark and Bermondsey) (LD): The Under-Secretary will have heard last week's reports about regular criticisms of the country reports as inaccurate. The new process is welcome but it is no good if the reports that lead to the decision are inaccurate and therefore give wrong information that could prove fatal if someone is sent back to much more dangerous circumstances than the country report suggests.

Andy Burnham: The hon. Gentleman raises an important point. The quality of the country reports is obviously crucial in reaching a reasoned and fair judgment on the conditions and circumstances that exist in a country. The reports originate in the Foreign Office. The hon. Gentleman will have seen some of them. The material is drawn from many different sources; the judgments are well grounded. If he considers the recent process that we went through in Zimbabwe, great effort was made and care taken to establish the conditions in that country. I can give him the assurance that he wants. We will continue to take great care in establishing facts on the ground before taking further action. We do not want to act on wrong or misleading information.

We are ensuring through the Immigration, Asylum and Nationality Bill that refugees will have an in-country right of appeal against a decision to take away their leave and that the decision will not take effect until that appeal has been heard. I can further assure my hon. Friend the Member for Walthamstow that when an individual no longer qualifies for leave as a refugee, we would always consider whether a grant of leave on another basis was appropriate, for example, on European convention on human rights grounds. Although it is possible that some refugees will be allowed to remain because they have established a private and/or family life in the UK, we need to get the balance right between offering a family a permanent life in the UK and expecting them to return to their country of origin if conditions improve there.

Mr. Gerrard: The more I listen to the description of the mechanism that will operate, the more I wonder whether we want it. The Home Office has enough to do—it has enough backlogs for years. Do we genuinely want to take on all the work of reviewing cases and clogging up the appeals system for the relatively small number of people who are given full refugees status? For that small number, the decisions are tremendously important. From the Home Office point of view, are the benefits of the new mechanism worth all the effort?

Andy Burnham: I shall describe some of the exact processes of the review shortly. I believe that that will give my hon. Friend some assurance about the work load for the Home Office. I stress that we are not considering a system that will continue as it has done in the past. We do not want an overloaded and sclerotic system, from which people cannot get clarity or a decision. We have enabled claims to be decided much more quickly, and we want the system to be able to function quickly and to give people clarity in a much more timely manner than we have achieved hitherto. I think that my hon. Friend would accept that one of the problems with the old way of doing things was that people were left in limbo for so long.

Michael Jabez Foster (Hastings and Rye) (Lab): My hon. Friend the Minister has gone to a great deal of trouble to explain what he intends to do, but he appears to be developing a very complex system, as my hon. Friend the Member for Walthamstow (Mr. Gerrard) says. Has the Minister made any assessment of the obligations and costs that these measures will place on his office, and of whether any extra resources will be provided to support this complex system of review?

Andy Burnham: Yes, we have. I think it will be of interest to my hon. Friend if I describe some of the ways in which the measures will work in practice. The ability to move cases through the system more quickly has enabled staff time and resources to be deployed in different ways, and we have obviously weighed up those considerations, but if I describe the system, it might make more sense.

A number of hon. Members have given the impression that the new policy will leave a sword of Damocles hanging over the heads of all refugees for up to five years. I do not believe that that will be the case. Nor do I accept that the Asylum and Immigration Tribunal will be swamped with appeals flowing from decisions to curtail leave granted to refugees. Many of the countries that generate large numbers of refugees, regrettably for those who live there, are unlikely to become safe and stable within the next few years. I anticipate that declarations that country conditions have changed will be used sparingly. The Government consider, however, that it is right in principle to undertake a case-by-case review of grants of refugee status and limited leave when there is a significant and durable change in a particular country affecting some or all categories of claims. I stress again, however, that many of the countries that we are talking about are unlikely to reach the position in which there would be a trigger for review. We all know from our constituency postbags that not many countries have experienced such a change in in-country conditions as to warrant the kind of review that we are discussing.

If a refugee completes five years' leave without a review having been triggered, there will not be an in-depth review of their case as a matter of routine when they apply for settlement before the expiry of their leave. We would, however, check to ensure that the triggers for review on the basis of the cessation clauses had not previously been missed. We would also check for evidence of serious criminality or exclusion.

Some have suggested that the change of policy will have a damaging effect on refugees' entitlement to benefits and services, and undermine their integration into the UK. I am clear that this is not the case. Refugees continue to have access to key mainstream benefits, as well as to social housing and to employment. The Government are committed to ensuring that refugees are able to contribute to their communities while they are in the UK, and to participate fully in our economy and society. For that reason, they will retain access to a whole range of assistance, including personal integration plans, mentoring and integration loans. Indeed, we are currently legislating to ensure that refugees with limited leave will have access to such loans. By promoting integration, we will ensure that refugees can contribute fully to the life of the UK while they are here. If conditions improve sufficiently to allow them to return home, the skills that they have acquired here should stand them in good stead for the future.

[Andy Burnham]

I do not believe that my hon. Friend is right to say that the measures will set back the good work that has been done on integration in communities up and down the country. We are currently embarking on the reform of the National Refugee Integration Forum, and considering what further steps we can take to ensure that refugee integration is improved and that we build on the successes that exist. I do not believe that that necessarily means that there should be any backward steps in that regard.

Finally, I want to touch on the position of resettled refugees and changes to humanitarian policy. We have decided that refugees arriving in the UK under resettlement programmes such as Gateway should continue to get immediate indefinite leave to remain. These refugees have been outside their countries of origin for many years and have no realistic prospect of returning there. Many are held in UN camps in different parts of the world. Integration in the first country to which they have fled is often not possible. Indeed, these are the refugees who have suffered the most stress and trauma before their arrival—

The motion having been made at Ten o'clock, and the debate having continued for half an hour, MR. SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned accordingly at half-past Ten o'clock.

House of Commons

Tuesday 11 October 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

A27 (Congestion)

1. **Tim Loughton** (East Worthing and Shoreham) (Con): What steps he is taking to tackle congestion on the A27 in West Sussex. [16810]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): Small-scale improvements on the A27 are currently being implemented by the Highways Agency and West Sussex county council. The Highways Agency is also working in partnership with the county council to develop a package of traffic management measures for the A27, and advice is expected in the new year.

Tim Loughton: The Minister knows that the A27 is one of the most congested roads in Sussex, and in particular one of the most congested roads in the Worthing area. For 30 years, constituents have been holding out hope for a bypass. In that time the traffic has worsened, and business investment is now threatened. The Minister's response has been a consultation exercise that yielded 10,000 replies, and he now talks of "small-scale improvements"—which means a few traffic lights and the felling of some trees.

Will the Minister come down to Worthing? Will he demonstrate to my constituents that he is taking the problem seriously and is prepared to do something about the congestion on the A27, which has been made worse by his right hon. Friend the Deputy Prime Minister plastering houses all over our countryside?

Dr. Ladyman: I entirely understand the frustration of local people, but I hope that the hon. Gentleman will at least acknowledge that there is no easy solution to the problem. The south coast multi-modal study proposed a bypass, as he knows, but it would have cost about half a billion pounds as well as destroying some areas of natural beauty. There was no way in which that was a practical proposition. The measures that we are taking now to consult on the various stretches of the A27 and come up with alternative suggestions that are practical, affordable and environmentally sustainable are the only possible answer.

Peter Bottomley (Worthing, West) (Con): Does the Minister think that if he remains in the House for 20 years, he will see an end to the deaths, discomfort and delays experienced by residents, let alone travellers and commercial traffic? Why does he not accept the invitation of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and come to Worthing, experience what local people have to put up with and apologise for the delays of the past eight years, which have led us nowhere?

Dr. Ladyman: We have nothing for which to apologise. We are engaging in a perfectly rational process, and trying to come up with sustainable alternatives to schemes that were quite simply unaffordable and would have destroyed areas of natural beauty. The hon. Gentleman would have been one of the first to object, along with many of his constituents, if we had proceeded with any of those schemes.

We will find alternatives, we will find them as expediently as possible, and we will do our best to relieve the frustration of the hon. Gentleman's constituents.—*[Interruption.]*

Mr. Speaker: Order. The hon. Member for East Worthing and Shoreham (Tim Loughton) should not shout across the Chamber, especially given the meal that he made of his supplementary question. He had a good say then, did he not?

Tom Brake (Carshalton and Wallington) (LD): Is the Minister aware that the Highways Agency website includes an A27 construction project on its list, among many other projects? Is he aware that, according to the Department for Transport's methodology, when the A27 project and the others are complete, average traffic flows on those roads will increase by 190 per cent.? Is it not time that he came clean and confirmed what his Secretary of State seems to have hinted—that the Government have reverted to a discredited policy of predict and provide in relation to roads, and are simply going to try and build their way out of congestion?

Dr. Ladyman: A moment ago, Conservative Members were complaining that we did not provide. How we can be accused of "predict and provide" in that context is beyond me.

The simple fact is that the Liberal Democrats would be the first to object if we embarked on large-scale road-building in an area of natural beauty. I have no doubt that they would be happy to promise the constituents of Worthing half a billion pounds for a road, but they will not have to raise the money for it. We will find a value-for-money, sustainable solution, and we will ask the local people for their views on it.

British Vessels (Flagging)

2. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): If he will make a statement on the flagging of British vessels sailing outside EU waters. [16811]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): Ships entered on the UK registry must demonstrate compliance with international conventions and standards, and meet all the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993. A United Kingdom-registered ship is entitled to fly the red ensign, and to operate anywhere in the world. Wherever they sail, UK ships are subject to applicable domestic laws and international conventions to which the UK is a state party.

Mr. Carmichael: The Minister knows of the circumstances of my constituents the Sinclair family. They own the Orcades Pacific, a fishing vessel which they wish to operate in Chile but to flag in this country. That would produce a significant economic benefit for the United Kingdom, but would require them to obtain a fishing licence in this country, which they do not need and which would cost them several million pounds. Will the Minister examine the position, and bring some common sense to bear on it?

Dr. Ladyman: All UK-flagged ships must have a licence to fish, wherever they operate in the world. That is for good environmental reasons: we do not want uncontrolled fishing anywhere in the world, and we wish to abide by local arrangements to control the exploitation of fisheries.

I am sorry that the hon. Gentleman's constituents feel that application for a fishing licence is an onerous procedure, but the matter is dealt with primarily not by the Department for Transport but by the Department for Environment, Food and Rural Affairs—and, in this case, by the Scottish Assembly. So it is important that he address his question to the right people, but I shall certainly liaise with DEFRA and ensure that it understands his concern.

Gwyn Prosser (Dover) (Lab): The Minister will be aware that the UK register has expanded threefold since 1998, when we brought in the new tonnage tax. But does he accept that the increase in the number of ships on the register has not been matched by an increasing number of British officers and ratings employed thereon? Will he look again at establishing a link between entering into the tonnage tax and the British register, and creating British jobs?

Dr. Ladyman: I share entirely my hon. Friend's concern and I am grateful to him for raising it. The UK register has increased tremendously since the tonnage tax was introduced, and we need to ensure that that is feeding through into good training and employment opportunities for UK mariners. We have set up a shipping taskforce consisting of both employers and unions, and I hope that it will come to me with proposals that will enable us to resolve this issue amicably. I have made it clear, however, that if both sides are unable to reach a voluntary agreement on how to resolve it, I will have to take some decisions, because I am determined to see an increase in UK maritime employment.

Richard Ottaway (Croydon, South) (Con): The Minister points out that the UK register has expanded, but will he not admit that most vessels are foreign owned and are flying the British flag for tax purposes? The explanation has nothing to do with manning.

Dr. Ladyman: As my hon. Friend the Member for Dover (Gwyn Prosser) said, these vessels are flagged in the UK because of the tonnage tax—the Deputy Prime Minister introduced it when he was responsible for these matters—which is a favourable and tremendously successful tax regime that encourages people to take up the UK flag. If ship owners decide to flag in the UK for tonnage tax purposes, they have certain obligations in respect of providing training opportunities for UK mariners. My hon. Friend's concern is that those opportunities are not following through into employment opportunities, and I have made it clear that I am determined that they will. But had it not been for the Deputy Prime Minister's tonnage tax initiative, we would still have the diminishing UK fleet with which the previous Government left us.

Rail Network

3. **Mr. John MacDougall** (Glenrothes) (Lab): What measures he is taking to improve the UK's rail network; and if he will make a statement. [16812]

The Secretary of State for Transport (Mr. Alistair Darling): The changes introduced under the Railways Act 2005 are allowing the different parts of the rail industry to work more effectively together. That will give passengers a better, more reliable service and ensure that we get the best possible value for the £87 million a week that we spend on the railways.

Mr. MacDougall: I thank my right hon. Friend for his reply and congratulate the Government on the tremendous investment in the rail network. Of course, that has resulted in some disruption to the service and to timetabling, for example, and I hope that he can reassure me that he is giving this issue some attention.

Mr. Darling: My hon. Friend is right—the Government are spending, as I said, some £87 million a week of public money on the railways, and such spending is bringing in a similar amount from the private sector. One problem from which Britain's railways have suffered—under successive Governments—is that not enough money was spent on them. That is now being put right, which is why reliability is improving. In fact, Britain has the fastest growing railway in Europe, and that is due not only to the money being spent, but to our radical overhauling of the management. We have got rid of some of the contradictions and difficulties caused by privatisation, and Network Rail is now running the railways efficiently in place of Railtrack, which was a disastrous company. It is making a huge difference to the railways, which is why more and more people are now using them.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the Secretary of State explain what the point was of spending many tens of millions of pounds on building a railway station box under St. Pancras, given that he then

failed to authorise the much smaller sum necessary to equip it, so that my constituents can actually use it? They faced months of delay during the blockade, and they are seeing no return on their time and trouble; nor, indeed, are taxpayers receiving any return on their investment. When will the Secretary of State authorise that sum?

Mr. Darling: That is a perfectly good point, and as the right hon. Gentleman knows, given that he is always lecturing us on the use of public funds, the explanation is that we must make sure that we can get the additional funds to fit out that station. That will make a big difference to the facilities available at St. Pancras and King's Cross, and I hope that we can find a satisfactory solution in the not too distant future.

Martin Salter (Reading, West) (Lab): Is my right hon. Friend aware that one of the major bottlenecks on the Great Western rail network is caused by the lack of platform capacity at Reading station? What progress has been made on plans to bring forward the long-overdue expansion of the second busiest station outside London?

Mr. Darling: I am aware of the importance of Reading and of the capacity problems there. My hon. Friend has made representations to me about this and, as I said when we met, we are looking at the matter, although primary responsibility lies with Network Rail, whose station it is and who is responsible for deciding which investment takes place and where. My hon. Friend has a perfectly good point; Reading station needs work carried out on it so that we can get more traffic not just to Reading but to points west and east of it.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will be aware that the rail network in Northern Ireland is part of the wider UK network and significant steps have been taken to upgrade our rail network and to purchase new train sets. What discussions has he had with representatives of other regions of the UK, including Northern Ireland, about the upgrading of the rail network with particular reference to the trans-European network for rail and for road?

Mr. Darling: The primary responsibility for that rests at the moment with my right hon. Friend the Secretary of State for Northern Ireland and I will raise the matter with him. We all recognise that the railway network is as important in Northern Ireland as it is anywhere else in the UK, but investment decisions at the moment rest with my right hon. Friend.

Graham Stringer (Manchester, Blackley) (Lab): A journey by train from Doncaster to London takes about the same time as the journey from Doncaster to Manchester. Unfortunately, that speed is typical of many northern railway lines, where the trains find it difficult to achieve 19th century timetables. That is damaging the northern economy. When can we look forward to an improvement to this unsatisfactory situation?

Mr. Darling: The lines running across the country have never been as good as those going to and from London. That is to do with the way in which the railway was constructed, as my hon. Friend knows. The answer to his question is a combination of better efficiency on the part of the train operating companies in relation to the northern franchise and making sure that we continue the steady investment in the track. The nature of the track and the historic lack of investment in it are two of the reasons why train speeds are not as fast as they should be. We are undertaking that work, which does take time. It is worth bearing in mind that the railways have been though a difficult period in the last 10 years—from privatisation through some terrible accidents—but improvements are taking place. On many lines, reliability is running at over 90 per cent., something that would have been thought beyond the industry a few years ago. We are making a difference, but it will take time. Sustained investment in the railways is needed and it is important that all of us can sign up to that.

Mr. Alan Duncan (Rutland and Melton) (Con): In terms of our parliamentary procedure, is it not unfortunate that this is about the only question on the Order Paper today that allows us to ask about public policy? According to the Government's own statistics, overcrowding in London and the south-east is getting worse and the Transport Committee has said that it is a serious problem and needs to be tackled urgently. What is his Department doing to tackle growing overcrowding and capacity problems, particularly in the south-east?

Mr. Darling: On the hon. Gentleman's first point, I agree that there are many aspects of parliamentary procedure that I would like to see changed but, as Secretary of State for Transport, that does not lie in my hands. Perhaps all of us collectively can one day reach a situation in which these matters can be discussed more effectively. His second point, for which I do have some responsibility, is one to which we have returned time and time again at Question Time. While concern in the past has been about reliability, which will always be important, the bigger question we must ask ourselves over the next few years is how we can increase capacity. The way to reduce overcrowding on trains—whether it be in the south-east or anywhere else—is to increase the number of passengers that can be carried on them. That is part of the work that Sir Rod Eddington is doing for us at the moment. One aspect that he will look into is how much additional capacity can be got out of the system by improved signalling, as signalling in train will allow more trains to run along existing track. Longer trains and perhaps double-deck trains in some parts of the system will add to the available capacity. What is important is that we sign up to the proposition of a growing railway, which is so important to the economy of the south-east as well as to the country as a whole.

Mr. Duncan: The good news is that trains are becoming more popular, but the bad news is that the country cannot cope with it. The Secretary of State has long stressed the need for private investment to help improve the country's rail network. Does he now accept that investor confidence has been damaged by the

Railtrack scandal and what will he do to ensure that there is no repeat ever again of such a disgraceful catalogue of events?

Mr. Darling: Not really. I listened to what the hon. Gentleman had to say at the Conservative party conference last week—*[Interruption.]* He may well say that he is glad that someone did. The right hon. Member for Haltemprice and Howden (David Davis) certainly read it with interest. I see that the hon. Gentleman has jumped ship and is now backing one of the other contenders. As to Railtrack—

Mr. Duncan: Must try harder.

Mr. Darling: Indeed, the hon. Gentleman must.

As I said earlier, if I look back over the last 10 years of the railways, I see that Railtrack was one of the biggest disasters. It was a badly run company. Its costs got out of control and it did not know what it was doing on the network. When it was finally put into administration by the order of the court, it should have come as no surprise to anyone. I am surprised that the Conservative party—we now understand that it is supposed to be looking forward—still wishes to hitch itself to Railtrack. The only people who still like Railtrack are members of the Conservative party.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): My right hon. Friend will be aware of the intensive efforts being made by Merseyside local authorities, together with Merseytravel, to ensure that light rail in Merseyside goes ahead. Will he give me an assurance that the Government will not introduce any new conditions for those organisations to meet before a decision for a go-ahead is given?

Mr. Darling: The Government have made their conditions abundantly clear to Merseytravel and its constituent organisations. We have placed an absolute cap on the amount of money that we are prepared to make available. Anything more than that amount has to be met in its entirety by Merseytravel and its constituent organisations.

British Transport Police

4. **Mr. Michael Jack** (Fylde) (Con): When his Department last reviewed the role of the British Transport Police in providing security services for rail services. [16813]

The Secretary of State for Transport (Mr. Alistair Darling): The role of the British Transport police, including its role in delivering security on the railways, was last reviewed in the summer of 2004 as part of the rail review. However, as I said in my written statement this morning—I wrote to the right hon. Gentleman in connection with it—in the context of the current review of the 43 local police forces being undertaken by the Home Secretary, I will also be reviewing the role of the British Transport police.

Mr. Jack: I thank the Secretary of State for his courtesy in advising me of his review and I am delighted that my question has already resulted in a complete review of the British Transport police. In that context, will he consider the balance of recent funding increases? In particular, will he reflect on the 23.9 per cent. increase in funding for overground policing—part of the 2005–08 plans—compared with the 3 per cent. increase for underground policing? In view of what happened this July, there will be immense public interest in increased resources to improve security on the underground. I should be grateful if the right hon. Gentleman would confirm that the review will look carefully into that aspect.

Mr. Darling: Funding for the British Transport police is important and I can tell the right hon. Gentleman and the House that a 21.5 per cent. increase in the budget has been approved this year. That increase has enabled the BTP to recruit 118 extra police officers and 177 extra police staff, including 40 community support officers. Funding has been increased, but if there is to be a reduction in the number of constabularies in England and Wales, it is bound to have an effect on the BTP because in some parts of the country it relies heavily on the availability of police from the county forces. We need to examine the two aspects together. However, I assure the right hon. Gentleman that the Government are acutely aware that the BTP has a major role to play in the security of both the underground and the overground. In London they work very closely with the Metropolitan police, and through the British Transport police authority we have been able to ensure that their funding has been substantially increased.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The British Transport police, with the other emergency services, played a remarkable role at the time of the appalling bombing. The Secretary of State will know that they have specialised knowledge, come up to the standard and achieve wonders in comparison with other forces. However, will he bear in mind the fact that they are a specialised force, with different backgrounds and experience, and it would be very sad if that special quality was lost in any way?

Mr. Darling: My hon. Friend is right; the BTP have significant expertise, and working on a railway involves a great deal of skill and detailed knowledge. A lot of the work that they do—for example, what is now, sadly, the weekly occurrence of suicides on railway lines—involves specialist policing, first to deal with the immediate situation, but then to get the trains running on time. When other police forces have come on to the lines, lack of expertise has caused some unhappy experiences. However, there is no doubt that some of the anti-terrorist work that needs to be carried out is specialised, too. We have to ensure that the BTP are sufficiently funded and structured to deal with a whole variety of work; we also have to take account of the fact that other work, especially anti-terrorism work, is specialised in its own way, and that the Metropolitan police have an expertise that is probably unrivalled, certainly in the British isles. All those issues need to be considered, but it makes sense for us, parallel to the

Home Secretary's examination of the structure of police forces, to examine the BTP—and the chief constable of the BTP is fully involved in that.

Mr. Charles Walker (Broxbourne) (Con): Is the Secretary of State aware—I am sure that he is—that although the British Transport police do a wonderful job, one of their concerns is that when they catch the young hoodlums who make commuters' lives a misery, those people come before the legal system and are let off with either small fines or no fine at all? Will he have a word with the Department for Constitutional Affairs to ensure that the BTP get the support that they need, and that when they catch serial offenders on trains and other public transport, those people get custodial sentences and are prevented from preying on commuters?

Mr. Darling: I think that I largely agree. Indeed, this matter has been raised before; I think that the last time was in the previous Parliament. The BTP can be helped and supported in catching people, and it is extremely frustrating when judges do not take crimes on the railways seriously. People who are terrorised on trains, or are affected by those who go on to the tracks and put lives at risk, expect the courts to protect them, and the courts should get the right balance between concern about an individual and concern about the rest of us.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Will my right hon. Friend include in his review the role of the British Transport police on and around the Heathrow Express? I know that there is a significant and extensive network of surveillance cameras, but it would reassure the travelling public if we could see additional security personnel on and around that service.

Mr. Darling: The British Transport police are deployed from time to time on trains. The decision where to deploy police officers is a decision for the chief constable; it is an operational matter. I know that my hon. Friend uses the Heathrow Express, presumably twice a week if not more, and he will undoubtedly have noticed that police officers are seen on those trains from time to time. However, as I have said to the House before, there are many forms of surveillance in place around our stations, some of which are obvious and some of which are not.

Mr. Greg Knight (East Yorkshire) (Con): We welcome the Secretary of State's review, and will make representations to him in connection with it, but does he realise that public order offences on our railways are up by 27 per cent. overall, and that in the last year alone there were 9,748 violent attacks not only on passengers but on staff, many of them alcohol related? Why, then, are Ministers about to make matters worse by introducing longer licensing hours? That is not just my opinion, but that of Ian Johnston, the chief constable of the British Transport police. At a time of high risk from terror attacks, instead of overstretching police resources, why does the Secretary of State not stand up for law-abiding rail passengers, and tell his Cabinet colleagues to drop their plans for 24-hour drinking?

Mr. Darling: First, overall crime on the railways fell last year by just under 2 per cent. and the number of robberies on the rail system fell by some 20 per cent. The right hon. Gentleman is right that violent crime has increased, in common with the trend in other areas. However, I do not believe that the Government's proposals for licensing hours will make the difference that he suggests. If someone is determined to drink alcohol and commit a crime, they can get that alcohol from many different places. As I said earlier, what is important is that the people who cause problems are arrested, charged and—most importantly—are dealt with appropriately by the courts.

Kent Rail Franchise

5. **Mr. Roger Gale** (North Thanet) (Con): When he expects a decision to be announced on the award of the integrated Kent rail franchise. [16814]

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): Bids were received from the five short-listed bidders at the end of July. Bids are currently being analysed and we intend to announce the successful bidder before the end of the year.

Mr. Gale: I do not blame the Minister, because he was not in the job at the time, but he will be aware that the project is now running two years behind schedule. That has had a damaging effect on the economy of Kent in general and east Kent in particular. It has particularly affected the employment prospects of Pfizer, which is based in the constituency of the Minister of State, Department for Transport, the hon. Member for South Thanet (Dr. Ladyman), and Manston airport.

Now that the responsibility for the project has been transferred from the Strategic Rail Authority to the Minister for a decision, will he give a clear undertaking to ensure that the preferred bidder has a commitment to the domestic fast link and that it will serve Manston airport?

Derek Twigg: My right hon. Friend the Secretary of State will obviously make the decision on the franchise. I do not agree with the hon. Gentleman about the delay, but it is worth pointing out that the franchise will result in several improvements, including an increase of 10 per cent. in arrivals in London during the morning peak. Some £600 million of investment in rolling stock and infrastructure has already been made in the area and, indeed, last week I visited South Eastern Trains to see the excellent work that it has done on the rolling stock.

Jonathan Shaw (Chatham and Aylesford) (Lab): My hon. Friend will recall the prophets of doom who said that the domestic channel tunnel rail link would never happen, but we have placed the order—and very welcome it is, too. However, is he aware that it is more than 40 years since the Kent rail network timetable was reviewed? Will he assure the House that we will not have to wait a further 40 years, but that route review will be dynamic and ongoing, as work patterns change, especially for commuters to London and given the development of St. Pancras station?

Derek Twigg: I agree with my hon. Friend about the historical problems on the line and we must keep the issue under review to ensure the best capacity and reliability of the network. We are already hitting 85.1 per cent. on the public performance measure ahead of the March deadline, so progress is being made in the right direction. We must examine how we can continue to improve the service.

Mr. David Evennett (Bexleyheath and Crayford) (Con): Is the Minister aware that my constituents are also awaiting the decision, which they would like as soon as possible? Whoever gets the franchise should take more notice of the travelling public's wishes than their own ideas. In particular, the service from South Eastern Trains in our area has not been as good as we would have liked, with booking offices closed at rush hour and some of the trains being most uncomfortable. Will the Minister ensure that whoever gets the new franchise listens to the wishes of the travelling public?

Derek Twigg: The franchise process was, of course, subject to public consultation, which included Members of Parliament, and we have listened to what has been said. It is important to reiterate that we have seen an improvement in performance on the service and a £600 million investment in rolling stock and infrastructure. Other trains have also been refurbished.

Clive Efford (Eltham) (Lab): For many years, my constituents suffered under the Connex franchise. Since Connex was removed from the management of the franchise, the performance has improved consistently, month by month. That has led to expectations from my constituents and others that when the franchise is finally issued the service will continue to improve. We will need extra capacity on the network and an improvement in services, such as the promised Victoria line link on the Sidcup loop for my constituents, which is much needed and long overdue. Will my hon. Friend pass on my views to the successful bidder when he has an opportunity to speak to them?

Derek Twigg: My hon. Friend is right, of course, that it is important that services are improved where possible, and I also take on board what he said about the future. Moreover, I repeat that there has been a welcome improvement in the public performance measure for that service. Obviously, that improvement is down to the hard work done by South Eastern trains, but it also stems from the better operation of Network Rail.

Mr. Julian Brazier (Canterbury) (Con): Will the Minister answer the question on Manston airport posed by my hon. Friend the Member for North Thanet (Mr. Gale)? He may wish to discuss the matter with his colleague the Minister of State, who is sitting next to him. Earlier, the Secretary of State was right to say that we need investment in the railways. Which factor does the Minister think is more likely to encourage the long-term investment needed by travellers in Kent—the inordinate delay in the planning of the continent, the politicisation of the Strategic Rail Authority management, or the fiasco over Railtrack?

Derek Twigg: The hon. Gentleman is right that Railtrack was a fiasco, but there has been no firm proposal in respect of Manston airport from the county council, the district council or the airport itself. My point is that there has been a big improvement in the service: overall, the network is ahead of schedule, having achieved 85.1 per cent. of its performance measure target for next March. The organisation that wins the franchise will have to meet the specification, and offer value for money as well. As I said earlier, there will be a 10 per cent. increase in train arrivals in London at morning peak times, and only last week I went down to South Eastern trains to see how a total of £600 million is being invested in new rolling stock and infrastructure.

Train Services (Plymouth)

6. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): If he will make a statement on the speed and reliability of train services to Plymouth. [14815]

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): In the year to 30 June 2005, the public performance measures for First Great Western and Wessex trains, the main train operators to Plymouth, were 77.3 per cent. and 84.9 per cent., respectively. The timetable was improved last December to include a fast service from Plymouth that reaches London by 9 am. That service, and the other fastest trains, cover the distance from London to Plymouth in three hours or less.

Linda Gilroy: I thank my hon. Friend the Minister for that reply, and I hope that he recognises the importance for the region's investment prospects that people in Plymouth and in the far south-west peninsula as a whole attach to the re-establishment of the fast three-hour service, as the region suffers from the largest disparities in the country. However, another matter arouses considerable concern in my area—the potential impact of the construction and operation of Crossrail. What assessment has my hon. Friend made of that?

Derek Twigg: I thank my hon. Friend for that question, as I know that she and her colleague in Plymouth, my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck), have made many representations to me about the importance of the train service to the south-west. She will probably know that there have been 358 petitions against the Crossrail Bill, and that one of them has been lodged by the South West regional assembly in respect of the service interfaces from Plymouth. When construction is complete, we do not envisage any negative effect in terms of longer journey times on the Plymouth service. However, as with any major infrastructure construction project, there will obviously be maintenance work that needs to be carried out.

Mr. Gary Streeter (South-West Devon) (Con): Why, in the specification for the renewal of the Great Western franchise, are the Government prepared to countenance a downgrading of the rail service to the west country? There will be fewer trains to Plymouth, there is no guarantee in respect of the three-hour service to London, and it is possible that the sleeper service to

Cornwall will be cut. Is not that merely another example of a cut in public services by the back door, which the west country can ill afford?

Derek Twigg: The hon. Gentleman will know that the specification also includes a number of improvements in the service, such as a new service to Penzance. There is also a guarantee that at least one service will go to Plymouth. The organisation that wins the franchise will have to look at that and determine what can be provided, given the available resources and facilities. No decision has been reached on the sleeper service to Cornwall, although the hon. Gentleman will be aware that bidders have been asked to include that service in their base case. We have also asked bidders to cost it separately, and to consider alternatives. However, as I said, no decision has yet been taken.

Alison Seabeck (Plymouth, Devonport) (Lab): Can my hon. Friend please confirm that there will be a full economic impact study, taking full account of the planned growth of Plymouth, on the implications for Plymouth and the south-west of the capacity reduction necessary during Crossrail's construction phase, given that there clearly does not appear to have been one on the recent closure of the A38?

Derek Twigg: As I have already said to my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy), we do not believe that under normal running there will be any negative impact on the services to Plymouth and the south-west, but during the building there may obviously be issues of maintenance and possessions, as there are for any major project. I believe that Plymouth—and the south-west—has a great deal going for it, I believe that it is doing well economically. I know that, having champions like my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) to press its case, it will continue to do well.

Waterloo International

7. **Dr. Vincent Cable** (Twickenham) (LD): If he will make a statement on the future of the Waterloo International terminal. [16816]

The Secretary of State for Transport (Mr. Alistair Darling): I have placed in the Library the first stage report on the future of Waterloo International. It concludes, and I have agreed, that the platforms should be retained for domestic passenger use. Further work is now under way to decide which services should use them.

Dr. Cable: I very much welcome what the Secretary of State has just said. I suggest to him that an early decision on the final detail is now essential, because he has just put out to public consultation the new franchise arrangements for South West Trains, and that cannot be meaningful unless the prospective bidders and the user groups have a full knowledge of the capacity that would be available to them for improved services.

Mr. Darling: I agree with the hon. Gentleman on that. I am told that the further detail should be worked up by the spring of 2006, which will be ample time to allow the tender documents to be framed for the south west franchise. There are many things that need to be considered. In the longer term, no doubt South West Trains will use Waterloo, but in the meantime it may be necessary to use those platforms for work that might be carried out on the Thameslink franchise, for example. But the important thing is that these platforms will now be available for domestic trains, whereas I think there had been a fear in the past that that part of the station would be taken out of service, which will not be the case.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): My right hon. Friend has just said that when the international services move from Waterloo to St. Pancras there will be an issue of dealing with the surplus capacity of platforms at Waterloo. My understanding is that the domestic platforms at St. Pancras will be reduced in number. While that clearly was not a problem and was probably appropriate when the service was planned in the early 1990s, my understanding now is that due to the success in generating an increased number of passengers on Midland Mainline, future developments and improvements to that service will be constrained by the number of platforms available at St. Pancras under the new configuration. Could this be looked at, because it could be a major problem for the future?

Mr. Darling: My hon. Friend makes a perfectly fair point—that 10 years ago most people thought that the railways were in terminal decline and were managing them accordingly. It is now clear that that is not the case; thanks to investment and thanks to the strong and growing economy, we expect more people to use the trains. My hon. Friend is also right to say that when the international section of St. Pancras opens, the domestic services will move to different platforms. I am not sure whether it will constrain the number of services coming into St. Pancras as much as he believes, but I can tell him that Network Rail, which owns that station, will see what else can be done to ensure that we can get as many services in there as possible. In addition, I hope that long before that time we shall be able to do something about the Thameslink box, which would also take some of the strain off St. Pancras station.

Mr. Robert Walter (North Dorset) (Con): The outcome of this process will be watched with considerable interest by my constituents, who live on the South West Trains line west of Salisbury. It suffers from severe capacity problems because it is sealed track for much of its length, which means that we cannot run any more trains despite the demand. When I raised the matter with Network Rail earlier this year, it said that it could not consider doubling this track because if it put extra trains on my section of the track, there would be no room for them when they reached Waterloo. If these platforms are released for domestic trains, will the Minister then consider doubling the South West Trains line west of Salisbury?

Mr. Darling: There is no doubt that additional capacity can be made available at Waterloo. There are five extra platforms—quite long platforms, at that—

which will help the network generally, although I cannot promise that it therefore follows that we will be able to dual the length of track to which the hon. Gentleman refers. The issues of capacity are of growing importance, and we will need to address them. Both public and private money will have to be put into the railways for many years to come. I hope that, unlike in previous times, the Conservatives will come round to that necessity.

East Coast Main Line

8. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): What steps he is taking to improve the reliability of train services on the east coast main line. [16817]

The Secretary of State for Transport (Mr. Alistair Darling): The new inter-city east coast franchise agreement requires the operator to deliver improvements in both punctuality and reliability. If it fails to do so, the franchise will end sooner than we would otherwise expect.

Mark Lazarowicz: On one of the hottest days of this summer, thousands of passengers along the east coast main line were left stranded for hours as a result once again of problems with the overhead wires. To compound their problem, they were treated abysmally by the train operator, which failed to respond to the problem. Will my right hon. Friend ensure that the upgrading of the overhead line system is made a top priority in the new east coast main line franchise? Will he tell GNER in the meantime to make an adequate response when things do go wrong?

Mr. Darling: GNER realises that on the day a number of mistakes were made. It has made it clear that it will learn from those mistakes and measures have already been put in hand to ensure that trains are not left stranded for long periods, as happened in July.

The problem with the overhead power lines will take longer to resolve. The basic problem, as I am sure the House will know, is that the then Conservative Government, in order to cut costs, placed the overhead gantries further apart than they should have been—*[Laughter.]* The hon. Member for Rutland and Melton (Mr. Duncan) may laugh, but that is precisely what happened. The railway line was badly designed because financial constraints were imposed by the then Conservative Government. That is what happens when one tries to cut corners with public expenditure—the public suffer as a result. However, Network Rail and GNER are working together to sort the problem out, which will take some time. Everyone concerned with the railways is aware that the line is extremely busy, that many people use it, and that lessons need to be learned from what happened last July.

Miss Anne McIntosh (Vale of York) (Con): One improvement that would lead to greater reliability is greater capacity north of Newcastle on the east coast main line for passenger and freight trains. What measures do the Government propose to take, working with Network Rail, to increase capacity? Does the right hon. Gentleman stand by his refusal to countenance a second north-south route because of the mountain range? He assured the House that he had no plans to build a second north-south line in the latter days of the last Parliament.

Mr. Darling: I did not set myself against a high-speed railway line between the north and the south, which I think is what the hon. Lady is referring to. I said that a number of difficulties had to be overcome, not least the topography of the borders. It is one of the matters that Sir Rod Eddington is looking into on my behalf, and he will report to me at some point next year.

There are times when there is a capacity problem north of Newcastle, but at other times there is not. The railway review made it clear last year that there was plenty of access for freight trains on the railways. Generally speaking, both the TOCs and the freight companies are happy with capacity on that part of the east coast main line. Although I do not anticipate anything happening on that issue, we clearly need to look at the bigger issue of the north-south railway line.

Olympics 2012

9. **Mr. Brian H. Donohoe** (Central Ayrshire) (Lab): What assessment he has made of the implications of the London Olympics in 2012 for his Department's budget; and if he will make a statement. [16818]

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): The transport plans for the 2012 London Olympic games are based on making the best use of the existing network, together with improvements that are planned and funded regardless of the Olympics. Projects being undertaken specifically for the Olympics will be funded from the Olympic public funding package, not from departmental budgets.

Mr. Donohoe: I thank the Minister for that answer. Is the Minister aware that there is a feeling in areas such as Scotland that, although we welcome the Olympics to London, some elements of departmental expenditure might be filtered to meet the specific needs of the Olympics, which, in the long term, could affect the transport infrastructure north of Watford? What specifically is being done to overcome that problem?

Ms Buck: No, I do not agree with that. The funding package for the Olympics comes both from existing investment for Transport for London—a £10 billion, five-year programme that includes a number of transport improvements designed to deal with London's transport needs—and, in addition, from a second Olympic set of initiatives funded from the Olympic budget. The programme is being funded through the London Development Agency and the lottery, and it includes the Olympic Javelin train scheme, the Stratford station upgrade and the north London upgrade. I am absolutely confident that, with those two programmes, the Olympics are being funded without any danger of a reduction in funding to other parts of the country.

Mrs. Therese Villiers (Chipping Barnet) (Con): In reviewing the Department's budget following London's successful Olympic bid, will the Minister recognise the crucial importance that the north circular A406 will play

in the Olympics as a vital link between the east London sites and Wembley? Will she finally allocate funding for the improvements to Henley's Corner, Brent street and Bounds Green that were recently dropped by the Mayor of London because he could not get a commitment from the Government to support them?

Ms Buck: As the hon. Lady suggests, the roads programme is very much a matter for the Mayor of London. It is for Transport for London to make those funding decisions within the context of a £10 billion spending programme over five years—£3 billion of borrowing and £7 billion of grant support—and it is for the Mayor to make those decisions within both the Olympics framework and the main investment programme for London transport. The Mayor and TFL have made it clear that they have had a very good funding settlement from the Government, and they must make those detailed decisions.

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Better Regulation

21. **Mr. Andrew Love** (Edmonton) (Lab/Co-op): If he will make a statement on the work programme of the Better Regulation Executive. [16802]

The Chancellor of the Duchy of Lancaster (Mr. John Hutton): The Better Regulation Executive was established in May this year. It initiated consultations on proposals for a Bill for better regulation that end tomorrow. It has launched a major exercise to measure and then reduce administrative burdens faced by business. A new web-based portal has been created so that business and other stakeholders can submit proposals for simplification, and we are on track to rationalise the number of regulators in the public and private sectors. Further measures on better regulation will be set out in the future.

Mr. Love: I thank my right hon. Friend for that reply. According to today's *Financial Times* the Chancellor will make a robust statement on red tape in Europe. As more than half the burdensome regulations on business come from Europe, what progress is my right hon. Friend making in alleviating those burdens on British businesses?

Mr. Hutton: We are making reasonable progress. Only last week, the Vice-President of the European Commission, Mr. Verheugen, announced a series of measures that the Commission has decided not to proceed with. That was a very welcome first instalment of the reform process. Next month, there will be further announcements from the Commission, setting out further ways in which the regulatory load on business can be reduced. It is essential that that takes place. Better regulation is at the heart of the Lisbon strategy for competitiveness and growth in Europe. We want to make progress in that area, and we are determined to see it done.

Mr. Lindsay Hoyle (Chorley) (Lab): I welcome that because we are all aware that there is too much regulation and too much red tape on business. A lot of the form-filling involves duplication. We need to get different Departments to talk to each another and we need a one-stop form that goes right across Departments instead of that duplication. Can we look forward to more assistance with that?

Mr. Hutton: Yes, we must explore exactly those processes very fully, and a lot of that type of activity is going on in member states. Sadly, that is not always replicated in the Commission or in the Union itself. We must make progress in those areas, and I am sure that, with the efforts of my right hon. Friends the Chancellor and the Prime Minister, we will see progress in both those areas.

Mr. John Redwood (Wokingham) (Con): Will the Chancellor of the Duchy of Lancaster ask his Better Regulation Executive to come up urgently with a list of burdensome directives from Brussels that we need to get rid off while we still have the presidency? Is he not aware that there is a danger that, by the end of the presidency, there will be more laws than at the beginning and that nothing serious will have been repealed? Will he also ask the executive to do the same thing in respect of the too many regulations in Britain, so that some real repeal measure can be included in his forthcoming legislation; otherwise, we will have to judge that it is all words and no action?

Mr. Hutton: It is always nice to hear from the right hon. Gentleman—[HON. MEMBERS: "Hear, hear."] He rarely gets an outing, because they do not let him out in the daylight.

The easiest way to deal with the right hon. Gentleman's point is for me to send him a list of the 70 proposals that the Commission has already announced and will not be proceeding with. I am sure that he will find that quite useful.

Information Technology

22. **Chris Bryant** (Rhondda) (Lab): What plans he has made to reform the Government's information technology procurement policy. [16804]

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): IT will help the Government drive to modernise public services and extend choice. Responsibility for IT procurement rests with the Office of Government Commerce. In its report on improving IT procurement, the National Audit Office recognised the positive impact of the work of the OGC.

Chris Bryant: I recognise that IT procurement is not entirely my hon. Friend's responsibility, but may I urge him to interfere a little in some of the other Departments? The Government are probably the biggest commissioner of IT in the country, yet all too often we end up buying American products off the shelf. We could build an innovative and imaginative UK IT industry if we were able to invest more sensibly and

creatively. Will he look at ways in which the Government can intervene to produce a more effective market in our own country?

Mr. Murphy: I am always happy to intervene rather than interfere. My hon. Friend rightly notes that the OGC is responsible for IT procurement. Over the summer I met small businesses throughout the UK that are at the cutting edge of IT innovation and are willing to work with the Government. We have a lot more to do on that agenda. One of the things that we shall be doing is launching a web-based portal—[HON. MEMBERS: "Oh."]—to enable innovation by those who want to work with the Government. I will ensure that my hon. Friend, who is genuinely interested in the matter, unlike those on the Opposition Benches who want to stop the world and get off, receives details about that.

Michael Gove (Surrey Heath) (Con): Given the weakness in procurement policy alluded to by the hon. Member for Rhondda (Chris Bryant), and given the parlous management of so many Government IT projects, will the Minister have a word with his colleagues in the Home Office and ensure that the greatest IT white elephant of all—the proposed Identity Cards Bill—is put in the dustbin of history, where it belongs?

Mr. Murphy: No.

Andrew Miller (Ellesmere Port and Neston) (Lab): When considering future Government procurements, will my hon. Friend continue the work that he has started by meeting end-users of Government services and ensuring that their views as consumers are taken into account in the design of services?

Mr. Murphy: I am delighted to do that. I met constituents of my hon. Friend in Ellesmere Port during the parliamentary recess, and it was clear from listening to them and others that IT can help in the modernisation of government and can help public servants to do their job better. It can help in the modernisation and extension of choice in public services to all our customers.

Civil Service Bill

23. **John Bercow** (Buckingham) (Con): If he will introduce a Civil Service Bill. [16805]

The Chancellor of the Duchy of Lancaster (Mr. John Hutton): We published a draft Bill for consultation and we are currently considering the responses. We will make a statement on the outcome of the consultation exercise in due course.

John Bercow: I am grateful to the right hon. Gentleman for that informative reply. Given the rapid growth in the number, cost and powers of special advisers, is not it now imperative that such a Bill should spell out the distinctive but necessarily separate roles of special advisers and civil servants, making it clear that the former have no power whatever to instruct the latter?

Mr. Hutton: It is certainly the case that the civil service faces a number of substantial challenges in leading the professional delivery of services across a range of Departments. I accept that. I do not think that the biggest challenge facing the civil service and its professionalism and independence is the role of special advisers. I do not accept that. I understand the hon. Gentleman's specific interest in the draft Civil Service Bill. It is unfortunate that of all the organisations that responded during the consultation period on the draft Bill neither Conservative nor Liberal Democrat Front Benchers found time to do so.

Mr. David Heath (Somerton and Frome) (LD): I remind the Minister that we are in Parliament to debate these matters, and he might recall that my noble Friend Lord Lester of Herne Hill introduced a Bill in the other place to do exactly what we want of a civil service Act.

Would the Minister like to comment on the Order in Council that was published in the summer, giving additional powers to independent advisers, and the response of Sir Alistair Graham, the chairman of the Committee on Standards in Public Life, who said:

"On this important constitutional matter, not only has the Government not consulted Parliament, it has chosen not to tell them about the changes"?

Does the Minister believe that that is an acceptable way of doing business, or does it not underline the fact that we need a civil service Bill and that we need it with some urgency?

Mr. Hutton: No, I do not accept the criticism that was made of the procedures that we followed. Neither is it true to say that the changes were made secretively; they were not. They were a response to requests from the committee. I think that we have dealt with the matter entirely honourably and perfectly sensibly.

Better Regulation

24. **Anne Snelgrove** (South Swindon) (Lab): If he will make a statement on the better regulation agenda in the European Union. [16807]

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): We are working with the Commission and member states to ensure that the impact of new legislative proposals is fully assessed and to simplify existing legislation. The Commission's recent announcement that it will withdraw 68 regulatory proposals is welcome evidence that progress is being made.

Anne Snelgrove: Many small firms in my constituency complain about the volume of regulation coming from the EU. How does the Minister intend to lighten the burden of regulation for those small companies?

Mr. Murphy: Throughout the summer, my right hon. Friend the Chancellor of the Duchy of Lancaster and I met small businesses around the country and we made it clear that we had an ambitious agenda to ensure that the EU regulates in a more sensible, targeted manner that is proportionate. We will ensure that there is a reduction in the duplication of regulations on small and medium-sized enterprises in my hon. Friend's constituency and elsewhere.

EU Accession (Turkey and Croatia)

3.31 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): With permission, Mr. Speaker, I should like to make a statement on the European Union's decisions of Monday last to open negotiations for full membership with Turkey and Croatia.

Turkey is part of Europe. It was a founder member of the Council of Europe in the 1940s, and was invited by the United Kingdom, France and others to join NATO as early as 1952. The prospect of European Union membership was first offered to Turkey some 42 years ago. That promise was repeated by the Union in ever more concrete terms in 1999 and in 2002. In December last year, and again in June this year, a specific start date of Monday last—3 October—was set.

By that date, Turkey was required to, and indeed had, introduce a further six laws, and it had signed the protocol to the Ankara agreement. In addition, the Turkish Government had actively co-operated to encourage a yes vote from the Turkish Cypriots for the Annan plan to reunify Cyprus. So, over this summer, there was understandable bitterness and apprehension in Turkey as further obstacles appeared to be put in its way, and as some in Europe argued that Turkey should settle for less than full membership.

The result was that, nine days ago, the European Union stood at a crossroads. It had to decide whether it would honour its commitment to Turkey and begin accession negotiations, or whether it would turn its back on the Union's nearest and largest Muslim neighbour. In the event, and after 36 hours of almost continuous negotiations, I am pleased to say that agreement was reached in Luxembourg to enable negotiations to begin. Happily, by sticking to what I described as "presidency time"—UK time—we were able to do so just within the 3 October deadline.

The negotiations, which had begun many weeks earlier, were at times difficult and complex. I am indebted to many Heads of Government and Foreign Ministers for the political courage that they showed. I also want to express my gratitude to EU Commissioner Olli Rehn and to High Representative Javier Solana and their staff; and not least to Sir John Grant, UK Permanent Representative to the European Union, to Sir Peter Westmacott, the British ambassador to Turkey, and to Foreign and Commonwealth Office staff in Brussels, Ankara, London and many other posts for their sterling efforts to secure this profoundly important result. I am also grateful to the House for the consistent, all-party support that Turkey's membership of the EU has for so long received.

There is no doubt that Turkey and Europe as a whole will benefit from this decision in equal measure. For Turkey, it represents another significant step on its long journey to becoming a fully European nation. The process will strengthen the wide-ranging reform programme that has been pushed through in recent years and will give renewed impetus to further improvements to the rule of law, respect for human rights and democratic institutions.

For the European Union, the decision means that a close partner will be brought even closer. Turkey has long been key to the security of Europe as a whole. Turkey's economy is one of the fastest growing in Europe and it is already a major market for European Union exporters. Turkey plays a vital role in the fight against international terrorism, cross-border crime and drug trafficking. By standing by our promise to Turkey, we will make the European Union stronger, safer and more competitive.

The decision made on 3 October was, however, even more significant than that. For more than 1,000 years, the boundaries between Europe and Asia have principally been decided through bloodshed and conflict. By welcoming Turkey, with its large Muslim population, we are embarking on a new era in which it is manifest that the European Union and Europe is not just an exclusive Christian club, at best cold to its neighbours, at worst actively hostile. Instead, we are able to show that what binds this modern Europe together is a set of fundamental rights and freedoms combined with a common purpose, regardless of race or religion. That is a powerful message not only to the people of other faiths who live in neighbouring countries, but to the millions who already live within the borders of the European Union.

I do not underestimate the challenges ahead, some of which are for Turkey. Turkey, like all candidate countries, has to align its legislation with that of the European Union—an enormous task that is broken down into 35 separate chapters covering issues from justice and home affairs through to economic policy and the environment.

Some of the challenges are for Turkey's neighbours—Greece and Cyprus—as much as they are for Turkey. The accession process holds out the clearest prospect of a satisfactory resolution to a host of historical regional issues, including disputes over rights in the Aegean and the reunification of Cyprus. Achieving those aims will require a positive approach by all concerned and a readiness to compromise. I have already spoken, since the decision on 3 October, to UN Secretary-General Kofi Annan about the circumstances in which he would deem it appropriate to restart his good offices mission in respect of Cyprus under Security Council resolution 1250. I have also spoken to enlargement commissioner Olli Rehn about other measures that are needed, specifically the Union's commitments to end the isolation of the Turkish Cypriots.

Some of the challenges ahead are for Europe as a whole, including continuing in good faith to help Turkey prepare for full membership of the European Union. Equally, the process means setting out clearly to our own peoples why having Turkey as a member of the European Union will bring direct benefit to all of them. We have to show that the greatest threat to our European culture and heritage comes not from opening our doors to a vibrant, secular nation such as Turkey, but from closing in on ourselves and allowing Europe to stagnate in the face of global competition.

At its meeting last December, the European Council decided that accession negotiations for Croatia should begin on 17 March. Croatia has made remarkable progress in recent years and has been able to satisfy the EU Commission that it has met all the so-called Copenhagen criteria relating to human rights, democracy and the rule of law, which are a prerequisite to the beginning of formal negotiations.

[Mr. Jack Straw]

There was one issue still unresolved concerning the Croatian fugitive suspected of war crimes, Ante Gotovina. The Council thus made the start date dependent on Croatia fully co-operating with the International Criminal Tribunal for the Former Yugoslavia in The Hague. In the event, it took until last Monday before the chief prosecutor of the tribunal, Carla del Ponte, was able to say that such full co-operation had been forthcoming. The Union acted immediately in response by opening negotiations, and I am very grateful to the Croatian Prime Minister, Ivo Sanader, and his Government for that significant improvement in co-operation, which I hope will lead to the early arrest of Gotovina.

When the prospect of membership was first held out to Turkey, the body that became the European Union had just six members. Since then, the EU has acted as a powerful magnet for countries that see the benefits of membership from the outside and want to come into the fold. Each successive wave of enlargement has strengthened and broadened the Union. Each wave has also demonstrated how the EU can be a great and powerful force for good in helping to spread good governance and human rights.

Former dictatorships in the west of Europe and former Soviet satellite states in the east have been transformed by the prospect, and then the fact, of membership of the European Union, creating an ever wider community of stable, prosperous democracies. I have no doubt that the same force for good will now benefit the people of Turkey, Croatia and all the citizens of Europe. I know that the House will support every effort to achieve that result.

Dr. Liam Fox (Woodspring) (Con): I am grateful to the Foreign Secretary for his statement and for allowing us to see a copy in advance.

Following the end of the cold war and the accession of the former eastern bloc countries, there remain two great strategic objectives on the continent: the stabilisation and incorporation of the Balkans and the stabilisation and incorporation of Turkey. We should be in no doubt about the historic importance of those decisions. They will determine whether the European Union becomes a narrow, inward-looking group of states that tries to shut out the wider world, or whether it becomes a broad-minded club, ready to ride the currents of globalisation and changing civilisation.

We share the Government's belief that Turkey must be allowed to join the European Union. At its best, the EU can be a driver for human rights, democracy and the rule of law among those that seek to join it. We believe not only that Turkey should be allowed to join the EU, but that it should be welcomed into the EU. Those who reject Turkish membership should ask themselves whether they want a pro-western, secular and liberalising state or a fundamentalist, theocratic nation on Europe's borders. There are those on the continent—noticeably in old, not new, Europe—who want to shut Turkey out. We profoundly disagree.

There are three groups for whom our message must have particular resonance. The first is the Turks themselves, to show them that if they move towards a liberalising, democratic state that shares our values there will be a reward for the Turkish. The second is the domestic Muslim population across Europe, to show that our war is not with Islam, but with terror, and that those who share our values can share our prosperity. The third is the oppressed people of the Islamic world, to show them that there is an alternative destiny other than theocracy and fundamentalism. Those are enormously important messages. We also welcome the beginning of accession negotiations with Croatia. They provide a great opportunity to entrench stability and democracy in the western Balkans.

There are questions that I am sure the Foreign Secretary will want to answer. First, he said that the Council concluded that Croatia was in full co-operation with the International Criminal Tribunal for the Former Yugoslavia and that that must be sustained. Is the eventual attendance of Gotovina at the tribunal a prerequisite of the negotiations' successful conclusion? Secondly, how long do the Government envisage the accession negotiations taking in the cases of Turkey and Croatia respectively? Thirdly, the Copenhagen criteria emphasise human rights, the rule of law and respect for the protection of minorities. How much progress do the Government believe Turkey must make in those, and how does the Foreign Secretary expect progress to affect the length of the accession process? In particular, what bearing will the Pamuk and Dink cases have on the course of negotiations? Turkey's accession will be the most challenging ever undertaken. Does he foresee a role for long, or even permanent, derogations from parts of the acquis, such as the free movement of workers?

We believe that the prospect of Turkey's accession is the best context in which to see an end of the division of Cyprus. How does the Foreign Secretary see the two processes interacting, especially in regard to Turkey's recognition of Cyprus, and the access of Cypriot planes and vessels to Turkish airspace and ports? In particular, will the Government press for recognition of Cyprus before, and not just at, accession?

There are two great challenges for European politicians in this process. First, a more flexible and looser Europe would make the accession of Turkey and Balkan states much easier. Perhaps more immediately, European leaders have a clear choice. They can have the strength and courage to argue for Turkish accession and security and stability for future generations, or they can pander to the xenophobia of parts of their electorate. The moral gauntlet has been thrown down to Europe's leaders. Our Government must give a lead.

Mr. Straw: As this is an ecumenical occasion, heaven forfend that I should make any point about people pandering to xenophobic electorates. I will bite my tongue and not utter such a thought—*[Interruption.]* I think that Conservative Front Benchers know exactly what this is about—it is about holding up the mirror to themselves. What we wish for others we should also accept for ourselves.

I am grateful to the hon. Member for Woodspring (Dr. Fox) for what he said and for the way in which he made his remarks. The issue is important for Turks and for people of all faiths and of none in this country, and not least for those of the Muslim faith and for people of the Islamic faith throughout the world. Quite

a number of democracies around the world have a majority Muslim population. An urgent process is required, particularly in the Arab world, and we hope that a leading part of the Islamic world will provide a beacon for reform elsewhere.

The hon. Gentleman asked whether Gotovina's delivery to The Hague is a formal prerequisite of the negotiating framework. The answer is no. That was never the case, for reasons that become fairly apparent. We never expected the Croatians to be in a position of having to deliver Gotovina. After all, he might have disappeared to a place from where it is impossible for even the best law enforcement agencies to deliver him. However, we were clear that there had to be full co-operation. There was not, and we took the lead in insisting on better co-operation, with Carla del Ponte and the Commission. I am glad to say that as a result of that, Prime Minister Sanader of Croatia has been able to exercise greater authority over his own security personnel. That led to Carla del Ponte taking the view that co-operation is now forthcoming.

The hon. Gentleman asked me about time. Because Croatia is a smaller country it had got to the point of beginning negotiations, but for the Gotovina problem, at an earlier stage. I expect that it will be a few years before Croatia has a tick in the box for all of its chapters, at which point formal accession can take place.

The Turkish Government say that the process will take between 10 and 15 years. Long-term derogations will be subject to negotiations, but let us be clear that what Turkey seeks, what we want for Turkey and what the Union has now signed up to is full membership. However, we are not in favour of permanent derogations in respect of the four fundamental freedoms of the Union.

The hon. Gentleman asked about human rights and in particular about Orhan Pamuk. Turkey has made considerable progress, even in the four and a half years that I have been Foreign Secretary, on human rights, following the coup 10 years ago in which the elected Government were forced from office. There is much further progress to be made, but Members might be aware that Olli Rehn saw Mr. Pamuk when he visited Turkey late last week.

I quote from an interview that Mr. Pamuk gave on 3 October:

"I do not want my case to be exaggerated."

He did not want it to be used to block Turkey's entry to the EU or to abuse Turkey. He continued:

"I don't want to trivialise my case or that of some of my friends."

We are all concerned about Orhan Pamuk, but it is clear not only that many people are working directly for him but that others within the system also want the system to be radically changed.

On Cyprus, the hon. Gentleman asked how those two processes fit together. There is no formal linkage, but they have to fit together. We had hoped to achieve a united Cyprus before the formal accession of Cyprus on 1 May last year. The Turkish Government pulled out all the stops to achieve a yes vote within the so-called Turkish Republic of Northern Cyprus, and there was a yes vote among Turkish Cypriots. Sadly, there was a no vote among Greek Cypriots to an almost equal extent, and it is regrettable that the Cypriot Government, having been party to the Bürgenstock decisions, took a different view when recommending them to their peoples. We have a problem that must be resolved. I have therefore spoken to Kofi Annan to see whether and in what circumstances he would be ready to restore his good offices mission.

The recognition of Cyprus will follow a peace process—everyone knows that that is the case. People who are familiar with the 40-year history of this problem know that one must follow the other. They also know—the Turks know this, and I have spelt it out in evidence to the Foreign Affairs Committee—that a country cannot achieve membership of the European Union if it does not recognise another country sitting at the table. *[Interruption.]* As a matter of fact, these issues must be resolved well before then.

Sir Menzies Campbell (North-East Fife) (LD): It would be churlish not to congratulate the Foreign Secretary and the Minister for Europe on their considerable efforts to ensure that a proper settlement was reached. They proved yet again the well-known dictum that 36 hours is a long time in European Union politics.

It is obviously welcome that Croatia has agreed to provide full co-operation. The bringing to justice of alleged war criminals from the Balkans is unfinished business that must be prosecuted with as much vigour as possible. I hope that the Foreign Secretary will excuse me if I borrow an expression from the Ministry of Defence. The lateness of the indication that full co-operation was available reminds me of the just in time procurement principle adopted by Her Majesty's Government at the Ministry of Defence.

The Foreign Secretary referred to good faith, and I am he sure that he agrees that it must apply to both sides. As far as members of the European Union are concerned, there should be no artificial barriers, no unexpected hurdles and no cavilling technicalities. If Turkey fulfils the criteria it is entitled to accession. As for Turkey itself, I hope that we will make it clear from the outset that economic qualification is not enough, and that pluralism, the rule of law and freedom of speech must be realities, not merely aspirations.

Mr. Straw: I am grateful to the right hon. and learned Gentleman, and thank him for his congratulations to my right hon. Friend and me. I am grateful to all the staff as well, because this was a huge collective effort.

On Croatia, the offer was made just in time, but the Croatian Government thought that it would be profoundly embarrassing if we started negotiations with Turkey, but not with Croatia. The proposal was helpful in concentrating the mind of the Croatian Government and security forces. The right hon. and learned Gentleman is correct about the need for good faith on all sides, and I agree that there should not be any cavilling technicalities—a point that we kept making to some of our European colleagues, although in the end they all accepted the proposal.

As for economic progress, the European Union is not just about a customs union. Turkey already has a customs union, and much else by way of close association with the European Union. That is one of the

[Mr. Straw]

reasons why the idea of a preferential partnership was not in the real world. What Turkey wants is membership. It knows that that will require even more changes—on the ground—in its governance, the full nature of its democracy, the control of its military, human rights and the operation of its judiciary. Prime Minister Erdogan's Government and his AKP party are in the vanguard of recognising the importance of change to Turkey itself, and using the prospect of membership to secure that change.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): I congratulate my right hon. Friend on his pertinacity in pressing for negotiations for Turkey's entry into the European Union, on his success in securing them, and on noting the significance of the fact that the Cypriot Government did not oppose the commencement of negotiations. Will he confirm that before Turkey becomes a full member of the European Union—which most Members, including me, consider desirable—it will be an indispensable requirement for her to recognise Cyprus and withdraw her armed forces from the island?

Mr. Straw: I thank my right hon. Friend for what he has said.

We must not see just one side of the issue. It is two-sided. The history of the conflict on the island of Cyprus is very complicated. We need each side to recognise the other with dignity and within a unified single Government.

I have already made it clear that in the European Union it would not be possible for us to operate if members did not recognise, de jure, the states around the table. That does not mean, however, that the obligations to achieve that position rest entirely on Turkey or on the Turkish Cypriot community. They rest equally on Turkey, the Turkish Cypriot community and the Government of Cyprus, as well as on the international community. That is made absolutely clear in a number of Security Council resolutions, including resolution 1250.

Mr. Kenneth Clarke (Rushcliffe) (Con): I congratulate the Foreign Secretary on a statement that has achieved near-consensus so far, on a non-controversial subject. I welcome his announcement for all the sound geopolitical reasons that have been well propounded on both sides of the House. Does he accept, however, that he will have to maintain support for Turkey's eventual accession over the next 10 years? There is a serious danger that a public backlash may begin to develop across Europe as people concentrate on their fears as opposed to the advantages.

Does the Foreign Secretary agree that this is really analogous to our admitting Greece, Portugal and Spain, and more recently the eastern and central European countries, for geopolitical reasons, but that we see in the medium and longer term a great accretion of strength to the Union, bringing economic and political benefits? Does he agree that it would be wrong to allow anyone to encourage some people on the continent to go any further in their protectionist, cautious, restrictive fears? This is a very long-term project, but we need to persuade people that it has positive advantages for Britain and the rest of the European Union, not just for the Turkish population.

Mr. Straw: I am grateful to the right hon. and learned Gentleman for his support.

It is striking that in the United Kingdom, because of the leadership shown by all parties, there has been not a whiff of hostility to Turkey's membership of the European Union. Far from it: there has been very active support, and we should thank ourselves for having achieved that.

Mr. Andrew Mackay (Bracknell) (Con): We are all winners!

Mr. Straw: Yes, the whole of Europe should be winners as a result of Turkey's accession. In my judgment, the hostility towards Turkey that has emerged in recent years has nothing to do with the prospect of its joining the European Union, and everything to do with a lacklustre economic performance in the countries concerned, with people blaming others for problems within their own borders.

We know from the successive waves of accession that the Union and its existing members have always benefited from the widening of the Union's borders. Let me pick up a point made by the shadow Foreign Secretary, the hon. Member for Woodspring (Dr. Fox). What we must say to European citizens is "Think of the alternative". Of course there will be a process of adjustment as Turkey comes in. But if we were to push Turkey away, we would not be in a stable state. That alternative would be far worse not only for Turkey, but for the security, prosperity and peace of all Europe.

Frank Cook (Stockton, North) (Lab): As chairman of the all-party group on Turkey, I thank my right hon. Friend for the report offered to the House today; the group as a whole will doubtless have been delighted to hear it. On the Opposition's reference to the recent hostilities and to the prospect of a backlash, I ask my right hon. Friend to point out to those who have that thought in mind that we owe two debts of gratitude to Turkey. First, for decades, Turkey effectively, efficiently and readily offered itself as a bulwark against the perceived threat from the Soviet Union. Secondly, after the cold war it has readily, and so far effectively—and with an Islamic party in government—offered itself as a bulwark against the most extreme elements of Islamic fundamentalism. We will owe that debt for a long time to come.

Mr. Straw: I agree with my hon. Friend in both regards. I simply say that when we smiled—*[Interruption.]*

Mr. Speaker: Order. The hon. Member for Hammersmith and Fulham (Mr. Hands) should not make faces at me. It is very rude indeed to do that, and it leads to his not getting called.

Mr. Straw: I agree with my hon. Friend the Member for Stockton, North (Frank Cook). I simply say that when we needed Turkey as the eastern flank of our defences, no one said at that stage that Turkey was not European. People across Europe need to remember that.

Mr. Andrew Pelling (Croydon, Central) (Con): What progress does the Foreign Secretary want the Turkish Government to make during the accession process in terms of a positive relationship with the Kurdish community in that country?

Mr. Straw: We expect the Turkish Government to make significant progress in that regard. They have already recognised the language, and they are seeking the further emancipation of that part of Turkey. By the end of this period, we need to see that the Kurdish minority in Turkey is being treated the same as equivalent minorities are treated in any full member state of the European Union.

Mr. Robert N. Wareing (Liverpool, West Derby) (Lab): I was not too satisfied with the answer given to my right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman). May I suggest to my right hon. Friend the Foreign Secretary that there should be no question of opening negotiations with Turkey until Turkey itself has not just promised to end the occupation of northern Cyprus, but actually done so? If Turkey really wishes to be a member of the European Union, that is the least that we can expect of it. It is no good securing feeble promises; we need something specific on the drawing board concerning the withdrawal of Turkish troops from the island.

Mr. Straw: I understand that my hon. Friend takes a particular and partisan view of this issue, but doing so does not help. There is a complicated history on both sides, which we can debate another time. Recognition of the current Republic of Cyprus Government simply was not a precondition of beginning these negotiations. The EU has always recognised that this process had to run in parallel with the good offices process—the processes are not directly linked—run under the auspices of the United Nations. Moreover, I remind my hon. Friend that the Government of Turkey and the Turkish Cypriots on the island of Cyprus voted in favour of the Annan plan, and that it was rejected not because of their efforts, but because of what happened in the Greek Cypriot part of Cyprus.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): I did not intend to ask a question, but I want to follow up that asked by the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman). I fully support Turkey's membership of the European Union for all the reasons given by my hon. Friend the Member for Woodspring (Dr. Fox) and my other hon. Friends. But I do not think that we quite get to the bottom of what will happen when we reach the point at which Turkey's accession has to be decided on. May I press the Foreign Secretary? In his opinion, is it conceivable that Turkey will be allowed to enter the EU fully if, as has been stated, the Cyprus issue has not been settled?

Mr. Straw: Leaving aside my opinion, which I have expressed in clear terms, the Union itself made that clear in the declaration issued when the negotiations began. The declaration by the European Community and its member states said:

> "Recognition of all member states is a necessary component of the accession process. Accordingly, the EU underlines the importance it attaches to the normalisation of relations between Turkey and all EU Member States, as soon as possible."

It is worth drawing attention—as my colleague the Irish Foreign Minister did recently—to the Irish-UK parallel. When we and Ireland joined what was then the European Economic Community 32 years ago, the Republic of Ireland laid claim to the sovereignty of a significant part of the United Kingdom. There was an unresolved claim of sovereignty to part of our territory, and it was many years after we had both joined that that was resolved. This is a complicated situation and the EU has made its position clear, but we are not going to resolve an historic conflict on the island of Cyprus without the good offices of the Secretary-General of the UN and without a clear understanding of the need for a compromise on all sides.

Mr. David Winnick (Walsall, North) (Lab): Is not Turkey's application to join the EU the best possible incentive for that country to continue to improve its human rights record, as it has been doing over a number of years? To be blunt, is not some of the opposition to Turkey joining the EU—from Austria, a former French President and one or two others—nothing to do with Cyprus or human rights, but probably anti-Islamic? Should we not recognise that?

Mr. Straw: They would say that it was not, but in parts of Europe there is a much narrower conception of what the EU is. As some have said, the idea is that it should be, as it were, a Christian heritage club, but that is not the view of this country, or of this House.

Hywel Williams (Caernarfon) (PC): Will the Foreign Secretary accept the support of my party and the Scottish National party for Turkey's accession to the Union? However, does he accept also that accession is contingent upon not only the resolution of security, democratic and human rights issues, as well as the Cyprus question, but the emancipation of the Kurdish language and culture? How does he view the recent substantial setbacks to Kurdish-medium education only a few weeks ago in eastern Anatolia?

Mr. Straw: As I have said, progress has been made, but there have been some setbacks, including the recent prosecution of a novelist and other things that have been happening in eastern Anatolia. However, the Government of the Republic of Turkey and their Parliament understand the direction in which they have to go. The EU Commissioner Olli Rehn and his colleagues will be monitoring closely the progress that is made. As I said in my statement, 35 chapters have to be closed, agreed, in other words. These cover a range of issues, including human rights, that will be monitored by the Commission and by the Turks themselves.

Tony Lloyd (Manchester, Central) (Lab): I congratulate my right hon. Friend on his efforts on this

[Tony Lloyd]

important process, but it is a continuing process. I know that he does not underestimate the difficulties in persuading public opinion in Europe. My right hon. Friend made a profound case as to why Turkey's long-term entry into the EU is in our national interest and in the interest of the whole of the present EU. Will he make sure that that message is communicated clearly not only in this country, but across Europe? Turkey must be invited to become a party to delivering that message, which will assist those in Turkey who want that country to be brought up to the standards of fitness of a member of the EU.

Mr. Straw: Yes, we will. What was striking about the long discussions in the General Affairs and External Relations Council during last Sunday, Monday and the early hours of Tuesday was the leadership demonstrated by Governments whose populations were in many cases not as keen on Turkish accession as we are in the UK. In the end, the decision was not reluctant: it was a positive decision that recognised the strategic importance of having Turkey in the EU. We all now have a big job in trying to convince citizens across Europe that Turkey's membership will prove a benefit to them, but I believe that we can do that.

Tony Baldry (Banbury) (Con): Would the Foreign Secretary kindly clarify the position of Turkey's and Croatia's accession with respect to the treaty of Nice? Am I right that the treaty will have to be amended to enable those countries to enter and, if so, when will that happen?

Mr. Straw: Not soon. The voting system is currently dependent on the treaty of Nice and the voting weights would have to be changed for Croatia and Turkey. Though many issues were discussed in the negotiations, that was happily not one of them—may the Lord be praised! My guess is that the matter would be dealt with through the accession treaties, which would have the same force as any other treaty in the EU.

Andrew Mackinlay (Thurrock) (Lab): May I urge the Foreign Secretary and, indeed, my hon. Friend the Member for Walsall, North (Mr. Winnick) to temper their remarks, which give credence, albeit unintentionally, to the idea that the existing EU is somehow a Christian club, when we should be reinforcing the view that it is a secular body? There is a danger of those opposed remarks giving credence—albeit unintentionally, as I said—to the disconcerting notion that the EU is a Christian club that should not therefore allow an Islamic country to join it. Should not the Copenhagen criteria be central—having a robust parliamentary democracy, a market economy and the capacity to fulfil the acquis? Given that Turkey borders Azerbaijan, Georgia, Syria, Iraq and Iran, I also want to ask the Foreign Secretary how close-partner borders will be defined after accession.

Mr. Straw: Turkey's border is not a question—for Great G. Indeed, it is completely closed in respect of some of its neighbours. Whatever other worries we may have, we do not need to worry about a porous border. As Turkey moves towards becoming a full member of the European Union, it will become a remarkable exemplar to its neighbours and act as a real force for good.

As to the notion of the EU as a Christian club, I used it twice, but only in response to others who used it. The EU is a secular, treaty-based organisation, but we must care for our own history. Anyone who understands the history of the EU knows that some of its very concepts—subsidiarity, for example—are drawn from Roman Catholic canonical law. We must be alive to that and also alive to the danger of the EU retreating—

Andrew Mackinlay: With respect, that is complete nonsense.

Mr. Straw: No, it is not. Anyone who knows the history of Europe and who understands the vision of the early pioneers of the European Union will know where some of their inspiration came from.

Mr. Nigel Dodds (Belfast, North) (DUP): I welcome what the Foreign Secretary has said this afternoon, but may I press him further on the timetable for the accession, particularly of Turkey? While recognising the complexities, is there not nevertheless a danger that the 10 to 15 years that is being spoken of could provide time both for the present hostility of some EU cities to Turkey's accession to increase and for the enthusiasm within Turkey to wane? Can the Foreign Secretary envisage circumstances in which the timetable could be foreshortened?

Mr. Straw: It is really a matter for Turkey; there is no timetable. What is set is that accession will take place when the 35 chapters, or sub-headings, have been completed. If Turkey could complete the process earlier, it could come into membership earlier. That depends on Turkey.

Rhodri Connarty (Linlithgow and East Falkirk) (Lab): May I add my congratulations and welcome for the process that will now commence for Turkey and Croatia? However, does my right hon. Friend recognise that there is substantial concern that the amendments to the Annan proposals that were put by Turkey made the most acceptable to Turkish Cypriots but left the people of the Greek Cypriot community unable to accept it? It resulted, I believe, the troops remaining on the island, perhaps for a very long time. I ask, in a spirit of helpfulness, whether it is possible for the Annan vision, when it starts again, to revisit some of the late amendments to its proposals on Cyprus that went to the UN.

Mr Straw: Any plan to resolve such a long-standing and difficult conflict such as that between the Greek Cypriot and Turkish Cypriot communities on the island of Cyprus is bound to involve all sorts of compromises. That what was agreed at Burgenstock. As I have said, it is matter for regret that it did not find complete favour. It is also obvious that if the Secretary-General decide to revive his good offices mission, a future plan will be to have some modifications from the previous plan, take account of concerns on both sides.

David Ian. Monsieur rose—

Mr Speaker: Order. The House has a busy day today, and I must move on.

BILLS PRESENTED

Electoral Administration

Ms Harriet Harman, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Hain, Mr. Ian McCartney, Bridget Prentice and David Cairns, presented a Bill to make provision in relation to the registration of electors and the keeping of electoral registration information; standing for election; the administration and conduct of elections and referendums; and the regulation of political parties: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 50].

European Union (Accessions)

Mr. Secretary Straw, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Secretary Blunkett, Secretary Margaret Beckett, Mr. Secretary Clarke, Secretary Alan Johnson and Mr. Douglas Alexander, presented a Bill to make provision consequential on the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005; and to make provision in relation to the entitlement of nationals of those states to enter and reside in the United Kingdom as workers: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 51].

National Insurance Contributions

Mr. Chancellor of the Exchequer, supported by Mr. Secretary Blunkett, Mr. Secretary Hain, Secretary Alan Johnson, Mr. Des Browne, Dawn Primarolo, John Healey and Mr. Ivan Lewis, presented a Bill to make provision about national insurance contributions in cases where there is a retrospective change to the law relating to income tax and to enable related provision to be made for the purposes of contributory benefits, statutory payments and other matters; to make provision about the disclosure of information in relation to arrangements for the avoidance of national insurance contributions; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 53].

Terrorism (Northern Ireland)

Mr. Secretary Hain, supported by Mr. Secretary Straw, Secretary John Reid, Mr. Secretary Clarke and Mr. Shaun Woodward, presented Bill to provide for Part 7 of the Terrorism Act 2000 to continue in force for a limited period after 18th February 2006 subject to modifications and to authorise the making of provision in connection with its ceasing to have effect; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 52].

Motor Vehicles (Anti-Social Use)

4.17 pm

Bob Spink (Castle Point) (Con): I beg to move,

That leave be given to bring in a Bill to prohibit the anti-social use of motor vehicles; to make provision for the seizure of motor vehicles used in an anti-social manner; and for connected purposes.

My purpose today is to promote increased use of seizure, and stronger laws and sentencing measures to help protect people from the dangerous and antisocial use of motor bikes, quad bikes and similar vehicles off highway. I also want to clarify the action that local councils and the police should be taking under existing laws.

Antisocial off-roading is often destructive of biodiverse and sensitive environments and recreational areas, and damages residents' quality of life and is dangerous to the public and to the off-roaders themselves.

My constituent Mr. Roy Hutson said:

"Not only are the daily lives of residents being disrupted by the noise of these off-road motorcycles, but the safety of those persons who use the land legitimately for recreational purposes, dog walking etc. is also at risk because of the selfish and intolerable attitude taken by this illegal, anti-social behaviour."

Another constituent, Ursula Fuller, said:

"The Northwick SSSI site on Canvey Island is a wonderful bio-diverse asset for our community, but it is subject to regular damage from illegal off-road motorcycling and its fragile habitat and protected species are being systematically destroyed. We must give it more protection."

I congratulate Roy and Ursula and others who are fighting to help their communities on such issues. They are true heroes. The public want tougher action to protect people's quality of life. They want to conserve precious environments. They value habitats which, like Canvey's Northwick area, support rare and delicate wildlife, fauna and flora. They want to preserve recreational land for walking, sport, or even just for flying kites with their children. We must not stand by and see land destroyed. It must be safeguarded for future generations and for biodiversity.

Of course, there are many decent off-roaders and I unreservedly commend them. They suffer from the bad name that the activity gets because of a few off-roaders who could not care less. Sadly, these irresponsible people are not just teenagers but adults who should know better, especially as it is the most vulnerable people, the elderly, who suffer most from this nuisance. As the Prime Minister said last week, we cannot tolerate yobs damaging the quality of life of the elderly.

What can be done? Prevention is the obvious first step, but that is often difficult. Earth mounds and fences are expensive and are not supported by some who see them down and even use them as ramps. Existing laws are difficult to enforce and the police have important and pressing priorities. Off-roaders escape on their vehicles when the police arrive, often using several alternative exits from a site, so we have years of recurring complaints, resulting in costly but often ineffective action.

In such circumstances, I suggest the following approach. First, the persons of activity should be established. Then a warning leaflet should be given to

[Bob Spink]

riders, where possible, and posted at the site entrances, stating that confiscation will follow if offending continues. Then a surprise sting operation should be mounted, with mass police descending quickly around the site and taking positions at the various exits to trap the offenders. There must then be immediate and mandatory confiscation of all vehicles and prosecution for any offences, with appropriate sentences handed down by the courts. Offenders would then know that their illegal behaviour was harmful and would not be tolerated. In the long run, such an approach would save time and costs for everyone, protect the environment, restore quality of life for residents and improve public safety.

One of Castle Point's excellent police officers, Kevin Dickie-White, wants

"a longer term, sustainable solution to stop these recurring incidents".

He told me last Friday that he spent more time on this issue than on many other important areas of crime. His experience is not unusual, because it is a national problem.

The hon. Member for Thurrock (Andrew Mackinlay) is in his place to support the Bill today, because off-roaders in Essex harm communities and terrorise people in public parks in Basildon. In Bristol, antisocial behaviour orders have been taken out to stop juveniles riding motorcycles and abusing and harassing residents. Strood police have issued confiscation orders to bikers who were wreaking havoc in ancient woodlands. A helicopter was used in Liverpool to crack down on scrambler bikes, quads and gypsies—whatever they are—and the National Trust has raised the issue of children and adults riding motorbikes, quads and gypsies, destroying the environment and rights of way and putting themselves and innocent walkers at real risk. Problems have been reported in areas as far apart as Stafford, the Yorkshire dales, Scotland and Manchester—and I could go on.

We can make good use of existing laws, where there is a will. For instance, in Durham residents were plagued by children, teenagers and adults riding motorbikes and quads off road, on public footpaths and on private land. In one operation, the police confiscated and destroyed 33 motorbikes. Residents near Warwickshire's Brandon Woods have suffered misery and fatal destruction similar to that seen on Canvey Island, with dozens of off-road bikers having taunts on a Sunday. Those residents were rescued by a police helicopter operation that trapped more than 30 of them on the site, where their 100 off-road motorcycles were impounded by police and the local council on Thursday.

Under current laws, local authorities and the police have powers to seize any vehicle being driven off-road without the authority of the landowner. If an offender drives his off-roader on the public highway, even for only a few yards, it may constitute an offence under the Vehicle Excise and Registration Act 1994, the Road Traffic (Consequential and Use) Regulations 1992 or the Road Vehicle Lighting Regulations 1989. Antisocial behaviour orders are also available.

I propose two new measures. First, the Government should ensure that previous warning is deemed to have been given to an individual by virtue of a leaflet having been handed out at the site and posted at the site entrances, with no need to prove that the individual has previously been warned. That would enable local councillors and police to be confident in mounting the sort of stitch-in-time sting operation that I described earlier. Secondly, the courts should impose significant periods of disqualification from driving for such antisocial offences. An elderly Canvey resident chased a youth on a motorbike from a field just behind his home. The resident was nastily abused—I shall not tell you what was shouted at him, Mr. Speaker—and the yob said that he did not care about the law and would be back. The one thing that such people care about is their driving licences. For youngsters, disqualification should be deferred until they reach 17. That would make the sentence fit the crime, and increase its deterrent effect. The provision should also apply to illegal boy-racing on the highways.

Minimotors and gopeds pose a new problem. Gopeds are motorised skateboards, whereas minimotors are tiny motorbikes. They may seem innocuous and fun toys for kids of all ages, and I do not want to be a killjoy, but these are motor vehicles and real issues arise. It is illegal to use them on public roads, and they are subject to the same regulations as all cars and motorbikes. They can cause a nuisance and they pose a serious accident risk, such as when they come into conflict with a full-size motor vehicle. I am afraid that a child will be hurt in an accident, so parents who buy these vehicles need to be properly informed about the law and about the dangers involved. I have no doubt that this House will return to this matter to the safe and safety awareness issues associated with these toys.

The Government have repeatedly voiced concern about vehicles that cause nuisance, and our Home Office Minister has said that the antisocial use of vehicles can blight communities and cause misery and distress to people going about their daily lives. My Bill would ensure tougher action from local councils and the police, and require the Government to produce new and clearer laws. In that way, people would be prevented from the increasing problems posed by the vehicles to which I have referred. We must protect communities from this form of antisocial behaviour and from people who may not understand the danger, nuisance and destruction caused by the antisocial behaviour that is off-roading.

Question put and agreed to.

Bill ordered to be brought in by Bob Spink, Charles Hendry, Andrew Mackinlay, Mr. Kevan Jones, Dr. Julian Lewis, Mr. Henry Bellingham, Mr. David Heath, Mr. David Evennett, Mr. Lee Scott, Mr. Michael Clapham and Mark Francois.

Motor Vehicles (Anti-Social Use)

Bob Spink accordingly presented a Bill to prohibit the anti-social use of motor vehicles; to make provision for the seizure of motor vehicles used in an anti-social manner and for connected purposes: And the same was read the First time, and ordered to be read a Second time on 16 January, and to be printed [Bill 74].

Orders of the Day

Natural Environment and Rural Communities Bill

As amended in the Standing Committee, considered.

New Clause 11

TRAFFIC REGULATION ON BYWAYS ETC. IN NATIONAL PARKS IN ENGLAND AND WALES

"After section 22B of the Road Traffic Regulation Act 1984 insert—

"22BB Traffic regulation on byways etc. in National Parks in England and Wales

(1) This section applies to a road—

(a) which is in a National Park in England or Wales,

(b) which is—

(i) shown in a definitive map and statement as a byway open to all traffic, a restricted byway, a bridleway or a footpath, or

(ii) a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material, and

(c) in respect of which no relevant order is in force.

(2) The National Park authority may—

(a) for a purpose mentioned in section 1(1)(a) to (g) or 22(2), by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1),

(b) for the purpose of carrying out an experimental scheme of traffic control, by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1),

(c) for a reason given in section 14(1)(a) or (b) or for a purpose mentioned in section 14(1)(c) or 22(2), by order make in respect of the road—

(i) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1), or

(ii) any provision restricting the speed of vehicles.

(3) This Act has effect, subject to subsection (4) and any prescribed modifications, in relation to an order by a National Park authority under subsection (2)(a), (b) or (c) as it has effect in relation to an order by a local traffic authority under section 1, 2 or 14(1).

(4) Before making any order under subsection (2), the National Park authority must consult any authority which is a highway authority for the road.

[22BC Section 22BB supplementary]

(1) Expressions used in section [22BB(1)(b)] that are defined for the purposes of Part I of the Wildlife and Countryside Act 1981 by section 66(1) of that Act have the same meaning as in that Part.

(2) In section [22BB(1)(c)] "relevant order" means—

(a) a traffic regulation order,

(b) an experimental traffic order,

(c) an order under section 14(1),

(d) an order under section 22(2), or

(e) an order under section 22D.

(3) In section [22BB] "prescribed" means prescribed by a statutory order—

(a) in relation to England, by the Secretary of State,

(b) in relation to Wales, by the National Assembly for Wales.

(4) Any functions exercisable by the National Assembly for Wales by virtue of this section are to be treated for the purposes of section 44 of the Government of Wales Act 1998 (parliamentary procedure for subordinate legislation) as if made exercisable by the Assembly by an Order in Council under section 22 of that Act."—*[Jim Knight.]*

Brought up, and read the First time.

4.28 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight) I beg to move, that the clause be read a Second time.

It is a pleasure to be able to return to this Bill so soon after the summer recess. Given what the hon. Member for Castle Point (Bob Spink) has just said about off-road vehicles, it is especially appropriate that we should begin with this new clause, which would give the national park authorities powers to make traffic regulation orders in respect of unsealed roads. The new clause follows points made in Standing Committee by my hon. Friend the Member for Sherwood (Paddy Tipping) and by the hon. Member for Bowes and Richmondshire (Mr. Willetts).

Some national park authorities already carry out limited highway authority functions in respect of rights of way, which are delegated to them by agreements with their local highway authority under section 101 of the Local Government Act 1972. However, it is unclear whether those agreements are able to cover the making of traffic regulation orders.

Therefore, national park authorities must rely on negotiations with the local authority when they want to impose a TRO. That process can be time-consuming and renewal intensive, and the outcome is often uncertain. As I said in Committee in response to the points made by the hon. Members to whom I have referred, I believe that the national park authorities should have the necessary tools to manage traffic effectively on recreational routes in the national parks.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): The minister is absolutely right. However unsealed park has exactly that problem. But would he differentiate between recreational users and people who have legitimate reasons to have their vehicles up there? There are areas where people use their vehicles for farming and so on, and if the national park has unnecessary limits and restrictions it could be a problem. Would the Minister be able to elaborate on a dispute between landowners?

6.30 pm

Jim Knight: I am not sure that I personally would want to elaborate in all those matters. The expectation would be that the national park authorities would use those powers sensitively, as highway authorities currently do. We would be applying the rules that currently apply to highways authorities in respect of the powers to make TROs also to national park authorities, who would use them in the same way.

The amendment will enable it easier for the park authorities to protect routes that are most vulnerable to damage of the type that we heard about from the hon. Member for Castle Point when he introduced his adjournment debate.

Mr. James Paice (South-East Cambridgeshire) (Con): I am grateful to the Minister for commencing this afternoon's proceedings with what I might call a bit of a climbdown, because he will remember that he opposed the amendment when it was tabled by the Liberal Democrats in Committee. To be fair, he said, as he has just repeated, that he wanted national parks to have the tools but he was not at that stage prepared to give them the powers. Now he is doing so and he is doing that correctly.

I also want to express my gratitude to the Minister for informing those of us who were involved with the Bill, early in the recess, that this was his plan, and for making similar comments about other things. I only hope that this presages a useful next four-and-a-half hours of proceedings and that there will be other measures on which we can agree, but clearly it is sensible that national parks authorities should have the opportunity to issue traffic regulation orders. We shall return to traffic regulation orders later this evening, but the fact that the Government are seeing fit to give national parks authorities the power to issue TROs is an important step forward, not just because of national parks but also because of the principle of using TROs to deal with some of the negative effects that mechanised vehicles can have on byways that are open to all traffic. We need not repeat at this stage all the damage that can be done—members of the Committee and many other Members of the House are well aware of it—but it is very serious, and giving national parks authorities the opportunity to issue TROs takes us a long way forward. It still leaves the rest of the country and we shall return to that in a later group of amendments, but I appreciate the Minister's concession on this new clause and welcome it.

Tom Levitt (High Peak) (Lab): I very much welcome the new clause. As the Minister knows, the Peak district is the most beautiful part of England and he is welcome to come and see for himself at the earliest possible time all that the area has to offer. Unfortunately, one thing that he might see on a visit is damage that has been done by 4x4s and off-road vehicles to the rights of way that we are talking about today. Many national parks have had this problem for a long time, but the issue has perhaps been growing faster in the Peak district.

I should like to raise with the Minister a number of issues on which I hope he can provide answers, but whatever he says in answer, he can be assured of my 100 per cent. support for the new clause. First, is this just about 4x4 vehicles or is it about other forms of mechanised transport as well? I am thinking of trail bikes, motor bikes and so on. Secondly, in recent months there has been a rush by various groups to try to squeeze some rights of way under the finishing rope, to get them recognised as rights of way on which they can use motorised vehicles before legislation such as this comes into effect. I should be grateful if the Minister would assure me that where there is evidence that these have been raised at a late stage to try to get them under the wire, that can be resisted. I am not really asking for retrospective powers for the national park, but I am asking for it to have powers to resist applications for rights of way status that are already in the pipeline where, for example, there is no evidence that motorised vehicles have ever regularly used those rights of way.

I am also interested to know about the use of the definitive map in these cases. Why is it that only rights of way are on the definitive map, rather than other routes that may well be established as walking routes and so on and could be abused by users of motorised recreational vehicles? Does the Minister envisage that, as a consequence of the new clause, powers will be given to national parks to repair, upgrade or make changes to rights of way or to force others to do so in order to maintain or restore their essential character?

The final point—I think that the hon. Member for South-East Cambridgeshire (Mr. Paice) hinted at it—is that if the national parks had such powers they would obviously need the resources to impose them. Can we be assured that national parks funding will take into account the need to maintain the character of rights of way?

Mr. Roger Williams (Brecon and Radnorshire) (LD): I welcome the wisdom of the Minister in tabling the new clause. In all respects, it replicates my intention in tabling an amendment in Committee. I have no doubt that the statutory intent is expressed in better language, and I welcome that, too. It is desperately important for national parks, which have the statutory duty to conserve the appearance of the countryside as well as to promote recreation and enjoyment of those areas, to have the power to make TROs. The national parks are best placed to strike a balance between conservation and recreation. I have no doubt that they will use the Sandford principle in coming to decisions. The Sandford principle puts the emphasis on conservation if there is ever a dispute between the two statutory duties.

The hon. Member for Bridgwater (Mr. Liddell-Grainger), who represents Exmoor, made a point about landowners having access over rights of way when TROs are made. I am sure that in the consultations that national parks will undertake with the local residents and the local authority such access would be protected, because it is so important to the local economy.

Mr. Liddell-Grainger: One of the issues that I touched on was the relationship between the Ministry of Defence and national parks. Two national parks have MOD land on them—Dartmoor and Northumberland. I have seen little mention of that. Both bodies have statutory rights, and Crown immunity is going. I wonder whether the hon. Member has any thoughts on that.

Mr. Williams: The hon. Gentleman raises a valuable point. I am not aware of the military use of national parks where the MOD either owns part of the national park or has been given use of land. The military uses the Brecon Beacons national park on a rather more informal basis. The MOD has a very good relationship with the national park, and I am sure that the national park would see that no damage was done.

I welcome the new clause. I am sure that it will give national parks great heart that they are in a better position to look after the countryside for which they have responsibility, and to promote enjoyment and recreation.

Bob Spink (Castle Point) (Con): The hon. Gentleman on the Treasury Bench represents part of one of the most beautiful counties in England—Dorset. Scrambling and offroading are major problems in that region. Is he aware that the courts have recently ruled that gopeds and, presumably, mini motos are classified for legal purposes as motor vehicles? Will those new miniature motorised devices be covered by the national park TROs?

John Mann (Bassetlaw) (Lab): Is my hon. Friend's Department considering issuing any guidelines to national parks and others about the use of traffic regulation orders, particularly where upgrades to BOATs—byways open to all traffic—have already made progress and where there is the possibility of countering those upgrades that may have been objected to but passed in advance of the Bill becoming a statute? If so, what is the time scale in relation to such advice?

Mr. Robert Goodwill (Scarborough and Whitby) (Con): While I recognise the point made by my hon. Friend the Member for Bridgwater (Mr. Liddell-Grainger) about farmers or gamekeepers gaining access to national parks, I realise that national parks will treat such use sympathetically. Similarly, I am critical of the use in national parks of trail bikes and other vehicles that can cause damage. However, can the Minister allay my concerns about legal motor sports in national parks that are undertaken with the landowner's permission and are sometimes a valuable source of income to the landowner? In particular, trial riding, as opposed to trail riding, is a sport enjoyed by many families and young children and a valuable part of the activity that takes place in national parks.

Jim Knight: A lot of points have been made in quick-fire succession, which is obviously an efficient way for us to go about our business. I am grateful to the hon. Member for South-East Cambridgeshire (Mr. Paice) for his comments, which do not require me to add anything.

My hon. Friend the Member for High Peak (Tom Levitt) raised some important and valid issues, some of which we will deal with much more fully when we come to the fourth group of amendments, which relate to rights of way, 4x4s, trail-bike riders and so on. Clearly, the use of traffic regulation orders by national park authorities will apply to all vehicles, depending on how those orders are framed. As I said in response to the intervention from the hon. Member for Bridgwater (Mr. Liddell-Grainger), we shall simply apply the powers that are currently available to highways agencies. I shall deal later with the rush to make claims if my hon. Friend will be patient with me.

The powers are not limited to rights of way on the definitive map and statement. The powers also apply to all unsurfaced routes within the national park boundary—in other words, to all routes that are likely to be vulnerable to damage by mechanically propelled vehicles. My hon. Friend's next question related to the associated works that might need to be carried out in support of that. We are confident that the powers that the proposals confer will be implicitly granted to national park authorities under the new clause.

Finally, my hon. Friend asked the inevitable question about resources. We have consulted the national park authorities about the funding implications of the new powers. I visited several of them over the summer, and they are all very enthusiastic about them. Indeed, I spoke to the annual general meeting of the Association of National Park Authorities, and I got the closest thing to a cheer during my whole speech when I said that I was actively considering introducing such a proposal. The national park authorities have said that they are happy to take the new powers without additional funding. They believe that determining the priority of such things within the funds available to them and how best to use their resources to protect the landscapes that they are responsible for protecting are matters for them.

I am also grateful to the hon. Member for Brecon and Radnorshire (Mr. Williams) for his comments. In respect of the intervention made by the hon. Member for Bridgwater, I am happy to write to him about the issues that he raised about the Ministry of Defence, if that is helpful to him.

The hon. Member for Castle Point (Bob Spink) will be pleased to know that, yes, despite being new devices, gopeds—I share some of his mystery about what they are specifically—and certainly mini mopeds, which I do know about, will be regarded as mechanically propelled. In any case, traffic regulation orders will apply to all vehicles.

My hon. Friend the Member for Bassetlaw (John Mann) asked about guidelines on using the new powers. Those will be published shortly and I shall be able to talk a little more about that later.

The hon. Member for Scarborough and Whitby (Mr. Goodwill) raised an important point, which I did not have time to write down, so it has subsequently escaped me, but if he wants to make a rapid intervention it may be possible for me to remember.

4.45 pm

Mr. Goodwill: To help the Minister, the point I made was about legal motor sport in national parks. I referred to uses that would almost invariably be treated sympathetically by national park committees, such as use by farmers, but there are a number of such activities; for example, in my constituency, the Colonial trial—a national motorbike trial event—is held with the landowner's permission and is a valuable source of income for many farmers. It is a family activity and is by no means antisocial. I should like an assurance from the Minister, as some national park committees might take a dim view of that type of legal activity.

Jim Knight: I am grateful to the hon. Gentleman for clarifying that for me. We are talking about rights of way and unsealed routes in national parks. The national park authority would have to make a judgment about whether it should use the powers for such things, but the Government have proven supportive of responsible use of motorised vehicles in the countryside, especially in our interpretation of the single payment scheme for farmers, to allow that sort of activity on land being claimed for SPS. The hon. Gentleman should take that as an indication that, although we intend to deal robustly with those who abuse the countryside with motorised vehicles, people who choose to be responsible and use vehicles without damaging the environment should be able to continue to do so.

[Jim Knight]

I commend the new clause to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 12

AGREEMENT BETWEEN SECRETARY OF STATE AND DESIGNATED BODY

'(1) The Secretary of State may enter into an agreement with a designated body authorising that body to perform a DEFRA function—

(a) either in relation to the whole of England or in relation to specified areas in England;

(b) subject to paragraph (a), either generally or in specified cases.

"Specified" means specified in the agreement.

(2) An agreement under this section—

(a) may be cancelled by the Secretary of State at any time, and

(b) does not prevent the Secretary of State from performing a function to which the agreement relates.

(3) This section is subject to sections (Reserved functions) and (Maximum duration of agreement) (reserved functions and maximum duration of agreement).'.—*[Jim Knight.]*

Brought up, and read the First time.

Jim Knight: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following:

Government new clause 13—*Agreement between designated bodies.*

Government new clause 14—*Designated bodies.*

Government new clause 15—*Reserved functions.*

Government new clause 16—*Maximum duration of agreements.*

Government new clause 17—*Particular powers.*

Government new clause 18—*Agreements with local authorities.*

Government new clause 19—*Supplementary provisions with respect to agreements.*

Government new clause 20—*Interpretation.*

Government amendments Nos. 19 to 28.

Government amendments Nos. 31 to 34.

Jim Knight: I now turn to an important part of the Bill, which is essential to help make the new delivery arrangements work in practice, give us flexibility to respond to further changes in the future, deliver better services to our customers, and provide important efficiencies.

In Committee, the hon. Member for South-East Cambridgeshire (Mr. Paice) proposed a number of amendments to chapter 1 of part 8. They were designed to restrict the power of Ministers and designated bodies to enter into agreements to delegate their functions to another body unconditionally. In response, I said that although I was confident that the Bill contained adequate safeguards to ensure accountability and control, the amendments had highlighted legitimate concerns about the breadth of clause 70 in particular. In fact, I ventured to say that I did not think his amendment went far enough. I suggested that the clauses might be better restricted to DEFRA-related functions only, and I undertook to reflect on the balance of the provisions, consult delivery bodies, and come back with a clear line on Report.

Over the summer, we have reviewed carefully the clauses in part 8, chapter 1 and have concluded that some further limitation on those powers would be appropriate. We now propose that the Bill should be amended as in these new clauses and amendments, which stand in the name of my right hon. Friend the Secretary of State. The amendments would delete clauses 70 to 77 and replace them with new clauses 12 to 20. Although that may appear to be a somewhat radical revision to this part of the Bill—indeed, a transplant—in practice the amendments are not extensive. They introduce some further limitations on the clauses while leaving them essentially flexible, to enable DEFRA and its delivery bodies to respond swiftly to the need for changes in delivery arrangements. For ease of understanding, we felt it would be preferable to present the changes to the House as revised clauses rather than as detailed amendments—hence the transplant. It may, however, be helpful if I summarise the changes that we have made in the amendments.

Paddy Tipping (Sherwood) (Lab): I welcome this move; the Minister is acting sensibly. However, I want to make a practical point. He may use the phrase "clear lines", but this bit of the Bill is far from clear. It shows how difficult it is for the various bodies operating in this sector to interrelate. One of the real weaknesses of the Bill—the bit that we need to think through—is how we can co-ordinate activity across the countryside so that the various elements of biodiversity, economics and social access all link together. I am not confident that we have achieved that at the moment.

Jim Knight: As ever, and as I was in Committee, I am grateful for my hon. Friend's wisdom. The new clauses and amendments are essential to allow the delegation of powers between bodies carrying out DEFRA-related functions so that we can achieve exactly the aim that he seeks.

The most important change is that we have limited the types of delegation provided for in old clauses 70 and 71. Previously, clause 70 provided for any Minister of the Crown to enter an agreement with a designated body to perform any eligible function, while clause 71 provided additionally for the Secretary of State to delegate an eligible DEFRA function to an undesignated body. Under new clause 12, the Secretary of State may enter an agreement to perform a DEFRA function with a designated body only, as listed in schedule 7. Like old clause 72, new clause 13 provides for the possibility of agreements between bodies, but only between designated bodies—we have removed the possibility of delegating functions to undesignated bodies—and only of DEFRA-related functions.

Mr. Patrick McLoughlin (West Derbyshire) (Con): That is clear then.

Jim Knight: I am glad that it is clear to all right hon. and hon. Members.

As in the existing clauses, we have retained the possibility in new clause 14 for the Secretary of State to add new designated bodies to the schedule, by negative resolution order, to provide future flexibility. Such additional bodies must exercise functions related to, or connected with, DEFRA functions in line with the general limitation of these powers to the DEFRA area.

Because there is no longer the possibility of making agreements with undesignated bodies, we have taken the opportunity to review the list in schedule 7 to ensure that it covers all those bodies with which DEFRA, or other designated bodies being set up by the Bill such as Natural England, might need to make agreements in the near future. As a result, we are adding to the schedule English Heritage, which is described as the Historic Buildings and Monuments Commission, and local authorities. The addition of local authorities gives rise to the need for some technical changes to ensure consistency with local government legislation, and these are contained in new clause 18.

New clause 15 deals with the reserved functions, which may not be delegated and which were previously in clause 73(4). This now additionally provides that the Secretary of State may not authorise a designated body to perform functions under the Water Industry Act 1991 or subordinate legislation made under it. This was an important clarification for the industry. The new clause also retains the requirement that functions to be delegated must be compatible with the purposes for which the receiving body was established, together with other limitations to ensure that this power is not used inappropriately.

I believe that these changes significantly improve this part of the Bill. They address the genuine concerns that the Opposition raised about the potentially wide implications of these agreements and they introduce greater certainty and transparency into the types of functions involved, and the bodies that can enter into agreements. But—this is essential, to address the point made by my hon. Friend the Member for Sherwood (Paddy Tipping)—they also provide us with the tools that we need to continue to deliver a challenging programme of reform in DEFRA now and into the future. They will give DEFRA and its bodies the flexibility that we need to look at the best ways of delivering our strategic outcomes, to assist customers by operating in a joined-up way, to avoid duplication and waste, to devolve delivery to the regional and local level and to respond to changing needs over time. These amendments and new clauses strengthen important provisions in the Bill. I commend them to the House.

Mr. Paice: It is not often that the Opposition manage to persuade the Government to tear up a whole chapter of a Bill and rewrite it. I will take all the credit that is going for achieving that. Indeed, I was reflecting on whether to send a letter to the chairman of the 1922 committee on the strength of it, given things that are going on—

The Minister for Climate Change and the Environment (Mr. Elliot Morley): A dark horse candidate.

Mr. Paice: Very dark.

I shall not use emotive words. The Under-Secretary described the sensible complete revision of this aspect of the Bill. He kindly said that we had raised a range of worries about the powers that were being given, not only to Secretaries of State but to any Minister of the Crown, to devolve virtually anything to anybody. We thought that that was excessive, bearing in mind the House's important role of accountability to the people who elected us. If we start devolving any function to any organisation, theories of accountability seem to go out of the window. I am thus especially pleased that the Government have backed down from providing for such a widespread power and now want to give a power to only the Secretary of State that will relate to the functions only of DEFRA.

I am also pleased that the Government are getting rid of clause 71, yet are effectively not replacing it. In other words, agreements will be entered into only between the Government and a designated body. The idea of entering into agreements with non-designated bodies seems to have gone. I welcome that decision, because the point of having designated bodies was completely nullified if one could delegate to a non-designated body.

When my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) read schedule 7, he identified the fact that the Government would be able to delegate to the Wine Standards Board. He is concerned about what they might want to delegate to that board, but no doubt the Under-Secretary will clarify that important point for us. Perhaps we will need to go on for a moment so that he can receive a note from the Box, because I suspect that the answer is not in his brief.

We want to debate substantive issues tonight, so I do not wish to detain the House. We welcome the new clauses as a significant change of heart by the Government. They bode well and reflect the constructive way in which the Government and Opposition parties have engaged on the Bill. The measures take us a long way forward and I welcome them.

Jim Knight: There is not much to add, beyond comment on the Wine Standards Board. That body clearly carries out DEFRA-related functions and we wish to retain the potential to delegate to all bodies that carry out DEFRA-related functions. However, right now I am struggling to think of a specific example of something that we might want to delegate to the board. I hope that the House will support the new clause.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 13

AGREEMENT BETWEEN DESIGNATED BODIES

'(1) A designated body ("A") may, with the approval of the Secretary of State, enter into an agreement with another designated body ("B") authorising B to perform a function of A that is related to or connected with a DEFRA function—

(a) either in relation to the whole of England or in relation to specified areas in England;

(b) subject to paragraph (a), either generally or in specified cases.

"Specified" means specified in the agreement.

(2) The Secretary of State's approval may be given—

(a) in relation to a particular agreement or in relation to a description of agreements;

[Jim Knight]

(b) unconditionally or subject to conditions specified in the approval.

(3) Subject to subsection (5), the Secretary of State—

(a) must review an agreement under this section no later than the end of the period of 5 years beginning with the date on which the agreement was entered into or was last reviewed by the Secretary of State, and

(b) if it appears appropriate to do so in the light of the review, may cancel the agreement.

(4) Subject to subsection (5), an agreement under this section may not be varied except—

(a) by agreement between A and B, and

(b) with the approval of the Secretary of State.

(5) An approval given under subsection (1) may provide that subsection (3) or (4) does not apply (or that both of them do not apply).

(6) This section is subject to sections (Reserved functions) and (Maximum duration of agreement) (reserved functions and maximum duration of agreement).'.—*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 14

Designated Bodies

'(1) In this Chapter "designated body" means a body listed in Schedule 7.

(2) The Secretary of State may by order amend Schedule 7 so as to—

(a) add a body to the list, or

(b) remove a body from it.

(3) But the Secretary of State may not exercise the power conferred by subsection (2)(a) unless satisfied that at least one of the purposes or functions of the body to be added to the list is related to or connected with a DEFRA function.

(4) A body to be added to the list need not be a public body.

(5) The power to make an order under subsection (2) is exercisable by statutory instrument.

(6) A statutory instrument containing an order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.'. —*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

Reserved Functions

'(1) An agreement may not authorise a designated body to perform a reserved function.

(2) The reserved functions are—

(a) any function whose performance by the designated body would be incompatible with the purposes for which the body was established;

(b) any power of a Minister of the Crown to make or terminate appointments or lay reports or accounts;

(c) any power to make subordinate legislation or give guidance or directions (or to vary or revoke any of those things);

(d) any power to fix fees or charges other than a power prescribed for the purposes of this section by an order made by the Secretary of State;

(e) any function of an accounting officer in his capacity as such;

(f) except in relation to an agreement authorising a public body to perform functions—

(i) any power to enter, inspect, take samples or seize anything, and

(ii) any other power exercisable in connection with suspected offences;

(g) any function of the Secretary of State under the Water Industry Act 1991 or under any subordinate legislation made under that Act.

(3) The power to make an order under subsection (2)(d) is exercisable by statutory instrument.

(4) A statutory instrument containing an order under subsection (2)(d) is subject to annulment in pursuance of a resolution of either House of Parliament.'. —*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 16

Maximum Duration of Agreements

'The maximum period for which an agreement may authorise a designated body to perform—

(a) a DEFRA function, or

(b) a function that is related to or connected with a DEFRA function,

is 20 years.'. —*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 17

Particular Powers

'(1) Nothing in this Chapter prevents a designated body from being authorised to perform a function conferred on that body by or under this Act or an Act passed after the passing of this Act.

(2) The Secretary of State or a designated body ("A") may, under an agreement, authorise a designated body ("B") to perform a function even though under the relevant enactments or subordinate legislation—

(a) the function is conferred on A by reference to specified circumstances or cases and the same type of function is conferred on B in different specified circumstances or cases,

(b) the function is exercisable by A and B jointly,

(c) B is required to be, or may be, consulted about the function (whether generally or in specified circumstances), or

(d) B is required to consent to the exercise of the function (whether generally or in specified circumstances).

(3) An agreement may provide—

(a) for the performance of a function to be subject to the fulfilment of conditions;

(b) for payments to be made in respect of the performance of the function.

(4) A designated body which is authorised under an agreement to perform a function—

(a) is to be treated as having power to do so;

(b) may, unless (or except to the extent that) the agreement provides for this paragraph not to apply—

(i) authorise a committee, sub-committee, member, officer or employee of the body to perform the function on its behalf;

(ii) form a body corporate and authorise that body to perform the function on its behalf.

(5) However, where the designated body is a local authority—

(a) subsection (4)(a) is subject to section (Agreements with local authorities)(5)(a), and

(b) that section applies in place of subsection (4)(b).

(6) Subject to subsection (4)(b) and section (Agreements with local authorities), a designated body which is authorised under an agreement to perform a function may not authorise any other body or other person to perform that function.'.—*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 18

AGREEMENTS WITH LOCAL AUTHORITIES

'(1) This section applies where a local authority is authorised under an agreement to perform a function.

(2) Subject to subsection (5), the function that the local authority is authorised to perform is to be treated as a function of the local authority for the purposes of—

(a) any power of a local authority to arrange for the discharge of the function by any person mentioned in subsection (3), and

(b) any power of a person mentioned in subsection (3) to arrange for the discharge of a function by any other person mentioned there.

(3) The persons are any committee, sub-committee, member, officer or employee of the local authority.

(4) "Committee" does not include a joint committee of two or more local authorities.

(5) If the local authority is operating executive arrangements—

(a) the function is to be treated as a function of the local authority for the purposes of section 13 of the Local Government Act 2000, and

(b) if (or to the extent that) the function is the responsibility of the executive of the local authority—

(i) subsection (2) does not apply, and

(ii) sections 14 to 16 of the 2000 Act, and any regulations made under sections 17 and 18 of the 2000 Act, apply.

(6) "Executive arrangements" and "executive" have the same meaning as in Part 2 of the 2000 Act.

(7) An agreement may provide that the provisions of subsection (2) or those mentioned in (5)(b)(ii) do not apply (or do not apply to a specified extent).'. —*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 19

SUPPLEMENTARY PROVISIONS WITH RESPECT TO AGREEMENTS

'(1) An agreement, and any approval given by the Secretary of State under section (Agreements between designated bodies), must be in writing.

(2) The Secretary of State must arrange for a copy of an agreement to be published in a way that the Secretary of State thinks is suitable for bringing it to the attention of persons likely to be affected by it.

(3) No power of a Minister of the Crown under any enactment to give directions to a statutory body extends to giving a direction—

(a) requiring it to enter into an agreement;

(b) prohibiting it from entering into an agreement;

(c) requiring it to include, or prohibiting it from including, particular terms;

(d) requiring it to negotiate, or prohibiting it from negotiating, a variation or termination of an agreement.

(4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (c. 40) (restrictions on disclosure of information) applies in relation to an authorisation by a designated body under this Chapter as it applies in relation to an authorisation under section 69 of that Act by an office-holder.'.—*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 20

INTERPRETATION

'(1) In sections (Reserved functions) to (Supplementary provisions with respect to agreements) "agreement" means an agreement under section (Agreement between Secretary of State and designated body) or (Agreement between designated bodies).

(2) In this Chapter "DEFRA function" means a function which at the material time falls to be performed by or through the Department for Environment, Food and Rural Affairs.

(3) A certificate issued by the Secretary of State that a function falls to be performed as mentioned in subsection (2) is conclusive evidence of that fact.

(4) In this Chapter—

"designated body" has the meaning given by section (Designated bodies);

"local authority" means a local authority as defined in section 1(a) of the Local Government Act 2000 and the Greater London Authority;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

"subordinate legislation" has the same meaning as in the Interpretation Act 1978 (c. 30).'. —*[Jim Knight.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

ENFORCEMENT POWERS IN CONNECTION WITH PESTICIDES: ENTRY AND SEARCH BY FORCE WITHOUT A WARRANT

'(1) If a constable or an inspector reasonably believes—

(a) that evidence of the commission of an offence under section 43 is to be found on any premises, or

(b) that the evidence is likely to be removed, destroyed or lost before a warrant can be obtained and executed,

he may at any time enter the premises and search them for evidence of the commission of an offence under section 43.

(2) Subsection (1) does not authorise entry into any part of premises which is used as a private dwelling.

(3) A constable or an inspector exercising the powers under subsection (1) may (if necessary) use such force as is reasonable in the exercise of those powers.

(4) An inspector may not exercise the power of entry conferred by subsection (1) between the hours of 11 p.m. and 5 a.m. unless accompanied by a constable.'. —*[Mr. Paice.]*

Brought up, and read the First time.

Mr. Paice: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

New clause 2—*Enforcement powers in connection with pesticides: entry and search with a warrant—*

'(1) If, on an application by a constable or an inspector, a justice of the peace is satisfied—

(a) that there are reasonable grounds for believing that—

[Mr. Deputy Speaker]

(i) an offence under section 43 is being or has been committed on any premises, or

(ii) evidence of the commission of an offence under section 43 is to be found on any premises, and

(b) that one or more of the conditions in subsection (2) is met,

he may issue a warrant authorising a constable or an inspector to enter the premises and each them for evidence of the commission of an offence under section 43.

(2) The conditions are—

(a) in the case of any part of premises which is not used as a private dwelling, that the occupier of the premises has been informed of the decision to apply for the warrant;

(b) in the case of any part of premises which is not used as a private dwelling, that the occupier of the premises—

(i) has been informed of the decision to seek entry to the premises and the reasons for that decision.

(ii) has failed to allow entry to the premises on being requested to do so by a person mentioned in section [Enforcement powers in connection with pesticides: entry and search by force without a warrant] (1), and

(iii) has been informed of the decision to apply for the warrant;

(c) in either case—

(i) that the premises are unoccupied, or the occupier is absent, and notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or

(ii) an application for admission to the premises or the giving of notice of intention to apply for the warrant is inappropriate because—

(a) it would defeat the object of entering the premises, or

(b) entry is required as a matter of urgency.

(3) References in subsection (2) to the occupier of premises, in relation to any vehicle, vessel, aircraft or hovercraft, are to the person who appears to be in charge of the vehicle, vessel, aircraft or hovercraft, and "unoccupied" shall be construed accordingly.

(4) Sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60) shall have effect in relation to a warrant issued under this section to an inspector as they have effect in relation to a warrant so issued to a constable.

(5) A constable or an inspector exercising powers under a warrant issued under this section may (if necessary) use such force as is reasonable in the exercise of those powers.'.

Amendment No. 8, in page 16, line 11, leave out clause 44.

Amendment No. 4, in clause 44, page 16, line 13, after 'premises', insert

'which he has reason to believe may be relevant.'.

Amendment No. 9, in clause 45, page 16, line 31, leave out 'and 44' and insert

', [Enforcement powers in connection with pesticides: entry and search by force without a warrant] and [Enforcement powers in connection with pesticides: entry and search with a warrant]'.

Amendment No. 10, page 16, line 41, at end insert—

'(5) "Inspector" means—

(a) a person authorised in writing by the Secretary of State to exercise the powers under sections [Enforcement powers in connection with pesticides: entry and search by force without a warrant] and [Enforcement powers in connection with pesticides: entry and search with a warrant] in relation to England;

(b) a person authorised in writing by the National Assembly for Wales to exercise the powers under sections [Enforcement powers in connection with pesticides: entry and search by force without a warrant] and [Enforcement powers in connection with pesticides; entry and search with a warrant] in relation to Wales.'.

Government amendment No. 30

Mr. Paice: We move on to a specific matter that was debated in Committee, so I am grateful to you, Mr. Deputy Speaker, for allowing us to address it again because it is important and needs to be examined further.

We are worried about the open-ended nature of clause 44, which details the enforcement powers to be given to inspectors to deal with the Government's decision that is set out in clause 43 to make it an offence for people to possess certain chemicals that could be used to poison birds, primarily birds of prey. I emphasised in Committee and repeat now that we condemn anyone who unlawfully uses a chemical—a pesticide or whatever—to poison birds or mammals. It is already illegal to do that and we understand that the Government want an extra power to deal with the problem, but we are worried about the powers that will be given to inspectors.

5 pm

Clause 44(1)(a) states that an inspector will be able to

"enter any premises for the purpose of ascertaining whether an offence"

has been committed. That does not require him to have reason to believe that the owner of those premises has committed an offence. An inspector will have carte blanche to go into any form of premises. That is excessive and, to be fair, I think that the Minister accepted that. I remind him of what he said in Committee:

"It may be of some comfort to"

me

"to know that we have sympathy with amendment No. 65, which attempts to deal with the problem of fishing trips."

He went on:

"We cannot accept amendment No. 65 because it constrains our ability to deliver the clause properly. We understand the concerns that the hon. Gentleman and others have expressed. We would like to go away and consider carefully",

and so on. Hon. Members will understand my disappointment when, despite the Government's constructive approach and the considerable correspondence that the Minister sent to us in the recess, nothing has arisen to address that. As a result, we have tabled a new form of words in amendment No. 4 to ensure that the fishing trip, as he described—it was not my term—is prevented. The amendment would prevent inspectors from wandering into any property on the basis that they are looking to see whether an offence has been committed. They would need reasonable justification to do that.

Amendments Nos. 8 and 9 and new clauses 1 and 2 are closely related. They address our continuing concerns about the powers of inspectors and the contradictions in the Minister's responses in Committee. Paragraphs (b) and (c) in clause 44(1) are about inspectors collecting

evidence. Yet the Minister made it clear in Committee that inspectors will not have powers under PACE when he stated:

"Wildlife inspectors authorised under the Bill will not have powers under the Police and Criminal Evidence Act... Their function is purely to gather information that can inform a criminal investigation."

Without repeating the earlier debate, I want to press him again.

Clauses 43 and 44 deal with the use of pesticides to kill, primarily, birds of prey. Apart from an admission by the person who commits the offence, the most likely evidence to connect an individual to an offence is to find some of that pesticide or chemical on his property or in his possession. If the inspector uses his powers as set out in clause 44(1)(c) to seize and remove it, the only evidence will have gone, but it would not have been gathered under PACE. The Minister said:

"If they"—

the police—

"are assisted by an inspector, they will be governed by the code of the Police and Criminal Evidence Act".—[*Official Report, Standing Committee A*, 28 June 2005; c. 189–191.]

However, there is no use going back to the premises because the inspector will have already taken the evidence outside the terms of PACE. Even given my scant knowledge of the law—gathered through being responsible on behalf of the Opposition for police issues for three years—I know that, if evidence is not gathered under the terms of PACE, it is not admissible in court. The fundamental evidence that will be part of the prosecution's case—it may be the main point of the prosecution—will somehow be lost. I am concerned that the Government have not thought through what they are trying to do.

New clauses 1 and 2 repeat what was tabled in Committee. The Minister knows that they are a direct lift from his Department's draft Animal Welfare Bill. I understand that the Bill is likely to be presented later this week. Whether the provisions remain in the Bill remains to be seen.

In Committee, the Minister said that he had not read the draft Bill. I know that it is not his direct responsibility within the Department, but I hope that he has now read it.

Our contention is that the law should be consistent. The prevention of an animal's current suffering is more urgent than resolving who killed a bird of prey. Both matters are extremely important, but relieving suffering must be more urgent than dealing with something after the event. Yet we have the contradiction that in the Bill the powers given to an inspector in dealing with the poisoning of birds of prey appear to be far wider, more draconian and much less constrained by PACE than the powers given to dealing with current suffering of animals in the draft Animal Welfare Bill. That is wrong.

Our contention is straightforward. It is that these analogous issues—the powers of inspectors and dealing with prosecutions—should be dealt with in the same way. That would make the situation clearer for everyone to understand. Our position is logical, given the analogy between the two different but related issues, which are both concerned with the protection of our flora and fauna. They should be governed by the same set of guidelines and rules for inspection, investigation and prosecution.

I have set out the reasons why we tabled the new clauses and amendments. I hope that, given the three months that the Minister has had to reflect on the issues, he will now consider that changes need to be made.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): I shall speak against the new clause because it significantly weakens clauses 43 to 45. It has been recognised that we need to take assertive action to deal with the problem of poisoned birds and wildlife generally. The deliberate use of pesticides to poison rare and threatened wildlife is a persistent problem and has serious ramifications for the health and safety of people, their pets and their livestock.

There is little evidence that the problem has diminished, hence these clauses. There is a particularly serious threat to birds such as the red kite, one of Britain's most popular birds of prey. It brings valuable tourist income to the country. Between 1989 and 2004, at least 106 red kites were found illegally poisoned, including 16 in 2003 alone. That is only a fraction of the total number of incidents.

English Nature estimates that 31 per cent. of English red kites released or fledged from the wild between 1989 and 1999 were illegally poisoned. It is not only red kites that have been affected. In 2003, 20 buzzards, seven peregrines and one white-tailed eagle were confirmed as poisoned.

Illegal poisoning does not only affect wildlife. Stores of pesticides and baits placed in the countryside are a danger to people, companion animals, working dogs and livestock. Recently, a gamekeeper in Dorset was found to have an arsenal that consisted of a range of agricultural pesticides for which a man in his profession could have no legitimate use.

Mr. Peter Atkinson (Hexham) (Con): We know and understand that this is a problem. Why does the hon. Lady think that the Opposition's new clauses and amendments weaken the Government's proposals?

Ms Smith: They weaken the Government's proposals because they would impose such restrictions on the operation of the provisions on the inspection of premises as to make them almost meaningless.

Officials from DEFRA estimated that the store that I mentioned contained sufficient pesticides to poison half the population of Dorchester, which is why we need firm, assertive powers in the Bill to ensure that we can take effective action against such people.

Mr. Paice: As my hon. Friend the Member for Hexham (Mr. Atkinson) said, we do not wish to belittle the seriousness of the issue that the provisions try to address. However, if the hon. Lady wishes to criticise our amendments, she should read them and the Bill. Is she happy with clause 44(1)(a), which simply says that an inspector may

"enter any premises for the purposes of ascertaining whether an offence is being committed under section 43"?

What would she say if an inspector knocked on her door and said, "I want to see whether you have committed an offence under section 43."? That is what she is supporting.

Ms Smith: There is no evidence that such powers in other legislation have been used inappropriately to make a request to enter and inspect premises. The majority of the population accept that action needs to be taken.

The majority of wildlife poisoning incidents involve a relatively small number of persistently abused pesticides. Root crop insecticides such as aldicarb and carbofuran, which are usually used on lowland arable farmland, have repeatedly featured in incidents on upland estates where there was no legitimate reason to use such products. Hence the justification for the provisions in the Bill. I would go further than the Government and require a new offence of possession of a pesticide without a reasonable explanation, but I accept that the Minister might think such an amendment goes too far, as it could be impossible to prove that some chemicals are held without a lawful explanation. I therefore urge him to consider making the list of proscribed chemicals as long and comprehensive as possible to ensure that, once the Bill's provisions become operational, they are as effective as possible.

Mr. Colin Breed (South-East Cornwall) (LD): We are dealing with three distinct and serious issues. First, there is the poisoning of birds, particularly birds of prey, which, regrettably, still takes place far too often. Indeed, there was a well-known case in the west country recently. Secondly, we are dealing with the possession of pesticides that have become unbelievably potent and dangerous, and can be used in various ways. They are not, however, illegal substances. They have a legitimate use but, sadly, they are sometimes used for illegitimate ends even though they are held legitimately. The third serious issue can be summed up as "My home is my castle" and the problem of a continuing drift towards what is almost a police state. Powers must be qualified so that they focus on the offence that needs to be eradicated. That will not happen by giving extensive powers to the police and others that are open to misuse. I put it no more strongly than that. There have been far too many worrying examples of the over-enthusiastic use of powers given to the police and others in recent times. When we give powers to bodies, we should do so in the full knowledge of how they will be used.

Adam Afriyie (Windsor) (Con): I attended this debate because I wish to make a small point about cyclists and rights of way, but it sounds like a Home Office debate. I am astounded that amendment No. 4, which would insert the words

"which he has reason to believe may be relevant"

into clause 44 to justify entry into someone's home or other premises has been rejected in such a cavalier fashion. Does the hon. Gentleman agree that that is very much like a totalitarian state?

5.15 pm

Mr. Breed: Perhaps when the hon. Gentleman has been here a little longer, he will realise that this is not something that has happened suddenly. Those of us who sat on the Committee considering the Animal Welfare Bill know that. The Bill immediately followed the foot and mouth outbreak, which, as we all know, was extremely serious. The powers introduced then allowing entry to premises initially allowed them to be entered at any time of day, and actually commanded those occupying them to engage in whatever the police wanted them to do. Anything could be killed on site—any animal except, fortunately, a human being—and could be killed immediately.

That provision was at least slightly qualified in Committee, and rightly so, as such powers would have been unreasonable and out of all proportion. We need proportionality. The new clauses and amendments do not exactly drive a coach and horses through what is intended in the Bill, and they constitute a serious attempt to focus on the offence. None of us wants to permit, allow to continue, or encourage the poisoning of any animal deliberately or unnecessarily, but that does not mean that we should grant such broad powers to enter and search premises and remove evidence—which may well contravene the Police and Criminal Evidence Act 1984—in pursuing people when an offence is being investigated.

Powers are needed, but they need to be qualified. If they prove inadequate, the Minister can return and say that the Government cannot persist with them, but I feel that granting them at the outset is going too far. I support not just the wording of the new clause, but its intention.

Ms Angela C. Smith: Does not clause 44 make it absolutely clear that there must be reasonable grounds for believing that someone has broken the law before premises can be entered? Would not the new clause restrict the number of premises that can be searched to the extent that it would render the original clauses almost meaningless?

Mr. Breed: I do not agree with the last part of that intervention. The problem is that anyone who conceals a pesticide in order to carry out an illegal activity can put it anywhere. We are not talking about people who may occasionally have such substances lying around in their garden sheds or stables. Many of these dangerous substances ought to be locked up, because they can be just as lethal as firearms and can kill accidentally. They ought to be properly controlled. Nevertheless, I cannot bring myself to believe that the wording of the original clause is justified in the pursuit of what we all want, which is why my colleagues and I will support the new clauses and amendments if they are pressed to a vote.

Mr. John Randall (Uxbridge) (Con): When I first saw the new clauses and amendments, I was tempted to speak against them. In the last Parliament, I considered tabling a ten-minute Bill on pesticides and, in particular, the killing of birds of prey. As many Members will know, I have a keen interest in ornithology, and I have looked into this matter.

I do not think that any Member has any time for those who use pesticides illegally to poison birds of prey, other birds, domestic animals or pets. As the hon. Member for Sheffield, Hillsborough (Ms Smith) said, the reintroduction in my constituency of the red kite has been very successful. As Members travel down the M40, many of them doubtless often see red kites near Stokenchurch, for example. They have spread far and wide and have even been seen in the London borough of Hillingdon in winter. That is wonderful, and the Royal

Society for the Protection of Birds and all those concerned should be congratulated. Interestingly, awareness of this development has perhaps led some estates—we do not have the very large estates that are to be found elsewhere in the country—to clean up their act. Buzzards, which used to be seen only in the west country, are now to be found much closer to London. I have seen them, for example, in the Wycombe area and among the wonderful beech woods of the Chilterns.

I was therefore dubious about this provision, as I tend to be on the side of the birds in these matters, but I agree with my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) and the hon. Member for South-East Cornwall (Mr. Breed) that we must consider the question of proportionality. I do not necessarily have doubts about some inspectors going over the top, but the danger is that we will lose credibility in the eyes of some if they think that the powers given to deal with this offence are greater than those given to deal with many others. Unfortunately, granting these powers is not necessarily going to solve the problem; rather, what is needed is education. We need to tell gamekeepers that these birds are not predating on what they are trying to preserve on their estates, be it for shooting or other purposes.

I somewhat reluctantly point out that there are a couple of minor flaws in the drafting of the new clause. That is inevitable because, as I have noticed over our years in opposition, we do not always have the skills available to make such provisions absolutely watertight. *[Interruption.]* I do indeed speak for myself, as I do not claim any expertise on these matters. But I have a great deal of sympathy with the new clause tabled by my hon. Friend the Member for South-East Cambridgeshire, and the Government should also be congratulated on taking this issue seriously. That said, we need to be sure that we do not go overboard by granting too many powers at once. As the hon. Member for South-East Cornwall said, if the authorities in question say that they need more powers, we should perhaps return to this question.

Jim Knight: I begin by reiterating what the hon. Members for South-East Cambridgeshire (Mr. Paice) and for Uxbridge (Mr. Randall) said: we are all agreed in our opposition to the use of pesticides to poison birds, and nothing that I am about to say should be interpreted as my believing that any Member of this House thinks such use an acceptable practice. I hope that we also agree that wildlife inspectors behave reasonably and according to a code of practice, and that none of us wants to argue otherwise in debating these important matters.

I turn first to amendment No. 4. Clause 44 provides entry powers for inspectors who are investigating the illegal poisoning of birds or animals, and who need to enter premises to find out whether pesticides prohibited by order are on those premises. As it stands, inspectors may enter any premises, excluding dwellings, for this purpose. That is an important distinction to make for the sake of clarity. These are not carte blanche powers to ride roughshod through people's living rooms; there is a difference between premises and dwellings. Where an inspector wishes to enter dwellings, a warrant must first be obtained.

In Committee, we had an interesting debate on whether this provision would allow inspectors to conduct what I will now call "speculative inspections". I agreed to consider whether a form of words could be found that would meet concerns about reasonableness, as the hon. Member for South-East Cambridgeshire reminded us through his use of quotations.

Over the recess, my policy officials, departmental lawyers and I have been considering a suitable form of words that we would like to introduce in the Lords. Clearly the hon. Member for South-East Cambridgeshire has been doing the same, and we have his form of words to debate now. The proposed amendment goes some way to fitting the bill. It restricts an inspector's entry powers to those premises that he or she believes may be relevant for the purpose of ascertaining whether a possession offence is being committed. However, I am not convinced that the wording strikes the correct balance between the protection of landowners and the need to be able effectively to enforce this important new offence.

It should be remembered that any inspectors who investigate a suspected pesticide offence will be operating according to a publicly available code of practice, setting out how inspectors should conduct themselves and giving details of how to complain should anyone be unhappy with the way in which they conduct themselves; effectively, this sketches out "reasonableness." I hope that this will reassure hon. Members who are anxious about the possibility that landowners may be subject to harassment or unsubstantiated random visits.

There are also good grounds for having a test of reasonable suspicion rather than the stronger test of reasonable belief that is used in the amendments. The latter is unusual in law and requires a degree of prior evidence that would be extremely difficult, if not impossible, to obtain in these circumstances. For these reasons, I am not convinced that the amendments are the right way to go. I urge hon. Members on both sides not to support them this evening.

We recognise that this is a persistent concern and have said that my officials will look at it; they are doing so. We will consider tabling a suitably worded amendment in the other place which we hope will please all concerned. I hope that Members on both sides will agree that the other place is a good place to deal with the issue.

It makes sense for me to deal with amendments Nos. 8, 9 and 10 and new clauses 1 and 2 together, as they all seek to remove clause 44 from the Bill in one way or another. As I have said in relation to amendment No. 4, which also deals with the issue, I accept that there are fears that inspectors will seek to gain entry when they have insufficient grounds to do so, and I want to look at that matter again.

I have to strike a balance between the intense detail with which I would wish to rebut all of the things that have been said and the desire to address matters more constructively, so I will attempt to summarise. Obviously if more clarification is needed, I will attempt to deal with those matters by intervention.

I believe that the amendments are flawed in respect of applying inappropriate powers, in that they go beyond the powers currently proposed in the Bill by applying

[Jim Knight]

powers equally to police officers and inspectors, which we think would be inappropriate. I know there is an issue around the Police and Criminal Evidence Act 1984, but the important distinction to make—I wrote to all Committee Members on this—is that as far as inspectors are concerned PACE applies when they are investigating and have suspicions about an individual person. It does not apply in respect of a place.

In respect of offences where pesticides have been used to poison birds, in almost every case the measure would apply to suspicions about a place. One would find the poisoned bird, which could have come from anywhere. It would be very difficult to have reasonable suspicion in respect of an individual. Therefore I would argue that we should not apply the same powers to police officers and inspectors because of the confusion that that could create.

Mr. Paice: I appreciate the Minister's efforts at brevity, but is he saying that if the inspector found some pesticides on a premises and took it away as described under clause 44(1)(c) but did not do so under PACE, that would still be admissible as evidence in court?

Jim Knight: This is where we get into the interesting territory of the application of PACE. I cannot give the hon. Gentleman a direct answer with absolute confidence, but if he accepts my request to deal with the issue in the other place, we can continue to discuss it through correspondence.

If inspectors find the insecticide and the poisoned bird on the premises, all manner of individuals—an occupier of the land, an owner of the land or someone who works on it—could be implicated. In those circumstances, the first priority is to remove the poison so that it cannot be used to poison birds of prey again. Evidence could then be taken. I will respond to the question whether it could then be used for a prosecution, but it is important to distinguish between when PACE can and cannot be used.

5.30 pm

Mr. David Drew (Stroud) (Lab/Co-op): I apologise for coming late into the debate, but I want to ask the Minister for an assurance. The Bill deals with wildlife, but are we not going to accord the same rights to human beings who are affected by pesticides? Will the Minister give an absolute assurance that if a human being were affected by the inappropriate use of pesticides, appropriate action could be taken against the propagator?

Jim Knight: It was said earlier that this feels like a Home Office debate. The purpose of these particular provisions is to list the pesticides that are used to poison wildlife and to make it an offence to possess them. Clearly, if they are being used to poison people as well as animals and if they are on the list, an offence has been committed. The provisions would apply equally, which I hope helps my hon. Friend.

I want to express my other concerns about the amendments and new clauses. The issue of "reasonable belief" as opposed to a "suspicion" is important, and I believe that Conservative Members have understood the point even if they do not agree with it. Similar problems also apply to the amending provisions that deal with the circumstances in which a justice of the peace can issue a warrant. Before doing so, a justice must be satisfied that there are reasonable grounds for believing that a relevant offence is being or has been committed on any premises and that evidence of such an offence is to be found on the premises. In addition, the amending provisions contain a precondition that the occupier of the premises must have been made aware of the decision to apply for a warrant. Effectively, a serious offence has been committed in respect of killing wildlife, which we all agree is precious, yet we are warning someone that we are going to serve a warrant, which might then allow them to remove the evidence. To my mind, that is flawed.

Mr. Paice: I repeat the point that the new clause provisions are directly lifted from the Minister's own Department's draft animal welfare Bill. Precisely the same warning, which the Minister is now criticising, would apply to someone who is torturing their dog at the very time of torturing, unlike with the bird of prey, which is already dead. If the provision makes sense in one DEFRA Bill, why does it not make sense in another?

Jim Knight: Let me deal with that point. There are three broad reasons why wider powers for dealing with pesticide offences are needed in the current Bill than are needed in the animal welfare Bill. We wait to see whether the wording in the final Bill will have changed from the draft that the hon. Gentleman has seen.

The first reason concerns the severity of the offence. As I said, the animal welfare Bill will prevent animal suffering but the Natural Environment and Rural Communities Bill can prevent the death of wildlife, companion animals and, indeed, people. The second point is that the same powers apply for entry into a dwelling and a warrant is needed in both cases, so a false distinction has been drawn there. Thirdly, evidence is more apparent in respect of animal welfare issues. It is pretty straightforward for an inspector to see evidence of the mistreatment of animals and it is much harder for an offender to destroy evidence of such mistreatment. However, with respect to the current Bill, pesticides are easier to hide and much easier to dispose of, so we strongly believe that wider powers are needed.

Mr. Peter Atkinson: Will the Minister help me to clarify something? In clause 44 there is no mention of the idea that an inspector would need a warrant to enter premises. Where is the requirement that the inspector must obtain a warrant in advance? It is not in the Bill.

Jim Knight: That is inherited from other legislation, so it does not need to appear on the face of the Bill. As I have said, I would like the issue to be properly addressed in the Lords. I do not believe that we have dealt with it satisfactorily yet, and we will be able to do that in the other place.

We had an interesting discussion in Committee on the powers of constables and inspectors in the management of wildlife offences. Government amendment No. 30, which is informed by that discussion, would allow the

police to enter premises, but not dwellings, without a warrant if they suspected, with reasonable cause, that a wildlife offence had been committed. That extends the current provisions, which allow constables to enter premises without a warrant only when they suspect, with reasonable cause, that an offence is being committed.

The amendment is important, because with wildlife offences evidence found in the countryside, such as dead birds or animals, can quickly and easily be disturbed by other wildlife, or by weather conditions. Equally, an offence may have been committed very recently. Some offences, such as crushing a nest of eggs, can take no more than a few seconds, and it seems silly to say that the police can act only while the offence is being committed. It is therefore a practical step to enable the police to enter premises if they think, with reasonable cause, that a wildlife offence has been committed. It is important that constables be given powers to act quickly; the time taken to obtain a warrant may be the difference between securing a conviction and losing the evidence entirely.

Mr. Paice: I did not say this in my opening remarks, but we entirely understand the Government's sensible amendment No. 30, and support it. I was interested to listen to the Minister's supportive remarks about the gist of my proposal in amendment No. 4—although he had some doubts about the precise wording—because the hon. Member for Sheffield, Hillsborough (Ms Angela C. Smith) went out of her way to damn my amendment, and went as far as suggesting that clause 44 already contained a reference to the inspector having to have good reason. Her version of the Bill must be different from mine.

I appreciate the Minister's intention to consider the matter in another place, although it would be better to have done it in this House; ideally, all amendments should come to this place before they go to the other place. That would address part of our concern, but not our fundamental concerns about clause 44 in its entirety. That is what the other amendments, and new clauses 1 and 2, are supposed to deal with, in replacing clause 44.

I have developed a considerable respect for the Minister, and he has dealt with the Bill helpfully and sensibly, but his arguments in the last few minutes have been thin, to say the least.

Mr. John Redwood (Wokingham) (Con): My hon. Friend is being charitable.

Mr. Paice: I have been accused of far worse.

I do not think the Minister would find it easy to sell outside this House the idea that more powers are needed to detect who killed a bird than to stop somebody torturing an animal at that very moment, especially as the torture is likely to lead to the animal's death. I find that difficult to comprehend.

That is why I shall repeat that we have simply sought to replicate the powers that the Government seek to take in the draft Animal Welfare Bill. It seems immensely logical to have consistency between inspectors and enforcement in one aspect of animal welfare and those in another. After all, poisoning birds of prey is an animal welfare issue. As my hon. Friend the Member for Uxbridge (Mr. Randall) said, we all condemn that and want it stopped. However, the Government cannot claim that it is different—and needs a wholly different set of powers—from the case of someone in the process of inflicting pain and suffering on a domestic animal, or whatever the phrase is these days for a pet cat, dog or budgie. If an animal is suffering, the issue is far more urgent than the need to detect the person responsible for something that has already happened—

Jim Knight: The original death is important, but the reason for the urgency is the need to prevent the death of subsequent birds that are, as we have all agreed, very precious.

Mr. Paice: Of course the prevention of the death of other birds is urgent, but it is not as urgent as stopping the present suffering of an animal. That is the issue that the Government's draft animal welfare Bill seeks to address.

A few moments ago I was trying to think of the new jargon for pet and it is, of course, a companion animal. Perhaps I should stick to "pet". In any case, the Government have not convinced us that it is necessary to have wide-ranging powers to deal with one issue when they do not propose to introduce those powers to address far wider problems in the animal welfare Bill. I could argue that point further, but I have made the principal points of concern and confirm that we wish to press the matter to a Division.

Question put, That the clause be read a Second time:—

The House divided: Ayes 233, Noes 294.

Division No. 51] **[5.42 pm**

AYES

Afriyie, Adam	Burt, Lorely
Ainsworth, Mr. Peter	Butterfill, Sir John
Alexander, Danny	Cable, Dr. Vincent
Amess, Mr. David	Cameron, Mr. David
Ancram, rh Mr. Michael	Campbell, Mr. Gregory
Arbuthnot, rh Mr. James	Campbell, rh Sir Menzies
Atkinson, Mr. Peter	Carmichael, Mr. Alistair
Bacon, Mr. Richard	Carswell, Mr. Douglas
Baker, Norman	Cash, Mr. William
Barker, Gregory	Chope, Mr. Christopher
Baron, Mr. John	Clappison, Mr. James
Barrett, John	Clark, Greg
Beith, rh Mr. Alan	Clarke, rh Mr. Kenneth
Benyon, Mr. Richard	Clegg, Mr. Nick
Bercow, John	Clifton-Brown, Mr. Geoffrey
Beresford, Sir Paul	Conway, Derek
Binley, Mr. Brian	Cormack, Sir Patrick
Blunt, Mr. Crispin	Cox, Mr. Geoffrey
Bone, Mr. Peter	Crabb, Mr. Stephen
Boswell, Mr. Tim	Curry, rh Mr. David
Bottomley, Peter	Davey, Mr. Edward
Brady, Mr. Graham	Davies, Philip
Brake, Tom	Djanogly, Mr. Jonathan
Brazier, Mr. Julian	Dodds, Mr. Nigel
Breed, Mr. Colin	Donaldson, Mr. Jeffrey M.
Brokenshire, James	Dorrell, rh Mr. Stephen
Brooke, Annette	Dorries, Mrs. Nadine
Browning, Angela	Duncan, Mr. Alan
Bruce, Malcolm	Duncan Smith, rh Mr. Iain
Burns, Mr. Simon	Ellwood, Mr. Tobias
Burrowes, Mr. David	Evans, Mr. Nigel
Burstow, Mr. Paul	Evennett, Mr. David
Burt, Alistair	Fallon, Mr. Michael

Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Harris, Dr. Evan
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Mr. Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Mr. Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. John Randall and
Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil

Hopkins, Kelvin
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Iddon, Dr. Brian
Illsley, Mr. Eric
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Malleber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pickthall, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Dave Watts and
Mr. Parmjit Dhanda

Question accordingly negatived.

New Clause 4

BYWAYS OPEN TO ALL TRAFFIC

'(1) Within 3 years of the date of commencement of sections 61 and 62 the Secretary of State shall review every modification order made, or applied for and subsequently made, in England and Wales between 20 January 2005 and commencement, under section 53(2) of the Wildlife and Countryside Act 1981, to add a byway open to all traffic to a definitive map and statement or to upgrade an existing highway to a byway open to all traffic.

(2) On review under subsection (1), the Secretary of State shall make an order in accordance with subsection (3) where he is satisfied that—

(a) there is or may be damage to the natural environment by users of the byway open to all traffic in mechanically propelled vehicles, or

(b) use of the byway open to all traffic by mechanically propelled vehicles does or may constitute a danger to any other class of traffic or restrict use of the byway by other classes of traffic.

(3) An order referred to in subsection (2) is a traffic regulation order as defined by section 1 of the Road Traffic Regulation Act 1984 and the Secretary of State shall make an order under that section as if he were a traffic authority for a road outside Greater London.

(4) If without lawful authority a person drives a mechanically propelled vehicle on a byway open to all traffic in respect of which an order under subsection (3) has been made he is guilty of an offence.

(5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.'.—*[Mr. Paice.]*

Brought up, and read the First time.

6 pm

Mr. Paice: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

New clause 10—*Driving a mechanically propelled vehicle on a footpath or bridleway or restricted byway (No. 2)*—

'(1) Section 34 of the Road Traffic Act 1988 (c. 52) (prohibition of driving mechanically propelled vehicles elsewhere than on roads) is amended as follows.

(2) After subsection (3) insert—

"(3A) It is not an offence under this section for the owner or lessee of premises in existence at the date of commencement of section 47 of the Countryside and Rights of Way Act 2000 or a successor in title to such premises or a lawful visitor thereto to drive a mechanically propelled vehicle on a road being a footpath or bridleway or restricted byway if the driving of that vehicle is necessary for the reasonable occupation of the premises and where no other right of vehicular access to such premises is otherwise available for the benefit of the premises.".'.

[Mr. Deputy Speaker]

New clause 21—*Evidence that a way is a restricted byway*—

'Where at any time (whether before or after commencement of this provision) there is evidence of use of any vehicle, not being a bicycle on a bridleway after December 31st 1968, on a way, that evidence shall be acceptable evidence tending to show that the way in question is a carriageway having the status of a restricted byway.'.

New clause 23—*Regulation of cycle racing on public ways*—

'(1) Amend section 31 of the Road Traffic Act 1988 (c. 52) (regulation of cycle racing on public ways) as follows.

(2) In subsection (2) omit "other than a bridleway".

(3) In subsection (6) omit "but does not include a footpath".'.

Amendment No. 6, in clause 62, page 24, line 35, leave out 'commencement' and insert '19th May 2005'.

Amendment No. 7, in page 25, line 13, leave out 'commencement' and insert '19th May 2005'.

Amendment No. 12, in page 25, line 14, leave out

'was reasonably necessary to enable'

and insert 'enables'.

Amendment No. 13, in page 25, line 19, leave out from 'way' to end and insert

'at all times and for all purposes for the benefit of that land and all parts thereof'.

Amendment No. 11, in clause 97, page 40, line 5, leave out from 'force' to end of line 8 and insert 'upon enactment'.

Mr. Paice: I suspect that this group of new clauses and amendments, which deals with the Government's proposals to change legislation on rights of way for mechanically propelled vehicles, will engage hon. Members on both sides of the House more than any other tonight. I want to start by re-emphasising the Opposition's support for clauses 61 and 62. We need to ensure that there is peaceful and quiet use of our byways wherever possible, especially given the ample evidence of the damage that is being done to a number of them by motorised vehicles.

There is increasing public concern about four-wheel drive vehicles and motor bikes making many byways impassable for pedestrians and horse riders. Ample photographic evidence of the damage caused by their use has been circulated to members of the Committee, and much of it has been sent to other hon. Members. The Minister has seen it all and, indeed, witnessed the damage for himself, as have I and my right hon. and hon. Friends. I do not intend to rehearse the arguments that the Government have already made for clauses 61 and 62, but I want to say a few words about what may well be perceived as unusual: Opposition support for regulation instead of the voluntary approach. We have concluded that, in this instance, regulation is necessary.

Such regulation is necessary because, first, the damage that is being done to the natural environment—the terrain and the surface of byways—should be linked, if possible, to the responsibility for that and, in turn, for its repair. Even if agreement could be reached with the membership of the bodies who represent some of the people who use these routes—the Trail Riders Fellowship or the Green Lane Association—there is no guarantee that all users will be members of those bodies. The agreement would not apply to everyone who drives vehicles of different sorts along BOATs.

Secondly, there is ample evidence—again, it has been provided to the Minister—that many members of the TRF see the present attempt at a voluntary approach as simply a means of heading off the legislation without serious intent of complying with it. We made it clear in Committee that an alternative approach would be for people to use private land for off-roading and to pay a fee for doing so. That fee could cover the cost of repair. That would be akin to the existing arrangement in different parts of the country for horse riding, where long routes have been devised by adjoining land owners. The riders pay a fee to the landowners and wear some sort of insignia, badge or armband that allows them to ride for many miles. There is no reason why that cannot be done for motorised vehicles.

Mr. Henry Bellingham (North-West Norfolk) (Con): My hon. Friend has looked at the issue carefully. Does he agree that until recently if someone wanted to drive off-road in a four-wheel drive vehicle they had to go along a vehicular right of way? Now many farms and estates offer facilities for off-road driving. Therefore, the time has probably come to say to these people "There are plenty of facilities. You do not need to damage bridleways and vehicular rights of way."

Mr. Paice: I am grateful to my hon. Friend. That is exactly our contention. Many landowners have made available former sandpits and other such sites for people to do the most amazing things with four-wheel drives or trail bikes. I have seen it myself. Members of my family have done it and I have been frightened silly watching them. It is done on land that they have paid for permission to use and the fee goes to meet the cost of repair and maintenance.

The Minister has looked carefully at the possibility of carrying out a sustainability assessment for trail management—the voluntary approach that he has rightly been trying to thrash out with users. I congratulate him on his attempt to find a voluntary solution and I congratulate the motoring organisation Land Access and Recreation Association, but frankly I do not believe that it can work for two reasons. First, the devised scoring system, when viewed reasonably objectively, is heavily weighted towards approval of the byway as a BOAT. There is no real process for ensuring that the byways are maintained or for dealing with the problem of regulating people who are not members of associations.

Secondly, new evidence that I wish to cite to the House suggests that at least some members of the TRF are using the process as a smokescreen. I wish to read out a few quotes from the federation's confidential website, which we have managed to access. One states:

"Word is we have to be prepared to have the claims for our '100 lanes' poised and ready to go, if necessary, the same or following day that the Bill is enacted".

Another quote reads:

"But, for sure, we need to be poised to claim at the drop of a hat."

A further quote states:

"Research all you want to ride and prepare the schedule 14 applications in readiness for the lifting of the moratorium on claiming BOATS. We know that has worked where members have become more active, because 6 counties have a hell of a lot of BOAT claims."

I have many more such quotes, all of which emphasise to me and many other observers that there is, at least among some members of the organisation, a conspiracy to provide a vast increase in the number of applications for BOATs the moment that the Bill becomes law, if the Government agree to the voluntary approach.

Several hon. Members *rose—*

Mr. Paice: I am surrounded. I give way to the hon. Member for Sherwood (Mr. Tipping.)

Paddy Tipping: The hon. Gentleman has just mentioned a website and talked about some of the people who have contributed to it. Is it not the case that some of the quotes that he used were from executive committee members of that organisation, not the rank and file? This campaign is being led from the very top of an organisation to which the Minister and his officials have been talking in good faith.

Mr. Paice: The hon. Gentleman is right. I wanted to conclude this item by referring to one particular quote, which says:

"However, nothing is more certain than if we are seen to break the moratorium, and by doing so illustrate that user groups cannot control the actions of their members and that members care nothing for the proposals that have been submitted to the Minister for the future provision and management of our activity, then the pressure will be increased further to BACK-DATE the cut-off date for claims. . . .

So, TRF DEMANDS is that no claims are submitted at least after the NERC Bill 3rd Reading, which will be between 11–15 October. TRF Officers will reconsider the moratorium after the 3rd Reading.

Regards Geoff Wilson Chairman TRF".

Lembit Öpik (Montgomeryshire) (LD): While I understand the concerns that the hon. Gentleman puts forward, does he accept that the great majority of users of motorised two-wheel vehicles in the countryside are responsible? In the early stage, when I was involved in trying to develop a dialogue between motor cyclists and the Government, it was obvious that the great majority of them and their organisations, such as the British Motorcyclists Federation and the Motorcycle Action Group, were keen to act and be seen to act responsibly. Does he agree that any legislation should not have punitive consequences for people who have never sought to break the law or cause inconvenience?

Mr. Paice: The hon. Gentleman is right. A large proportion of users cause no serious problems or damage. My purpose in reading out the quotes was to emphasise to the House that, unless we take action by accepting the amendments and new clauses, we will find that what has already happened, namely, a surge in the number of new applications for BOATs, will become a flood the moment tonight's proceedings are concluded. That is my big worry, and that is my purpose in making those points.

Robert Key (Salisbury) (Con): I regret to say that my hon. Friend is absolutely right— that flood has already occurred in the county of Wiltshire. I and others who want the date to be brought forward advocate that without any sense of vindictiveness. I spent an afternoon with 4x4 off-roaders. I saw what they were doing and listened very carefully to what they said. I have also had a continuous dialogue with trail riders. I very much regret to say that I see no meeting of minds, and I do not think that there will be one. We must regulate such things sooner rather than later because of the damage that is being done. Yes, it is true that a lot of them are responsible people, but a lot of them are not, and they will not see that they are doing damage that will wipe out the historical evidence and the attractiveness of such byways, which are hundreds and even thousands of years old.

Mr. Paice: I am very grateful to my hon. Friend, and I do not disagree with anything that he says.

Mr. Redwood: I should like to thank my hon. Friend for bringing this important matter to the attention of the House. In Wokingham and west Berkshire, districts covering parts of my constituency, there is great concern. We are all in favour of proper facilities for 4x4 users—they should be well away from settlements and in appropriate places where the damage can be controlled or repaired and where it does not annoy other people—but we are desperately worried that the Government have stirred up a hornet's nest that will lead to lots of applications where they are not wanted and that they have not given councils the powers to resist them properly.

Mr. Paice: I am very grateful to my right hon. Friend for his support. What matters to me and my hon. Friends is that everyone should have a reasonable opportunity to use all types of our byways. Nothing in any of the amendments or new clauses to which I am about to refer will take away all the existing BOATs. Of course, local authorities, and now national parks, have the opportunity to impose traffic regulation orders on them.

John Mann: The hon. Gentleman makes the point that his proposal will do nothing to existing rights. How would he deal with the anomaly, which other hon. Members and I have highlighted in the Chamber during the past four years, whereby a number of such applications have been passed because of historic rights? Perhaps he can explain why he suggests putting an arbitrary cut-off date at the beginning of the process?

Mr. Paice: If the hon. Gentleman will forgive me, I will deal with new clause 4 in detail in just a moment, when I will try to address that point. We do not seek in these amendments and new clauses to go back beyond the genesis of the Bill. Let me put it as generally as that. The fact that local authorities, and now national parks, have the power to issue traffic regulation orders is part of the answer to his point about how to deal with those BOATs that have been recorded already, based on the fact that someone once rode a chariot and four down the byway during the Punic wars or whatever. Clearly, the Government are trying to close that loophole under clause 62, and we support that.

[Mr. Paice]

I want to mention an e-mail that many hon. Members will have received in the past 48 hours from the British Motorcyclists Federation in which it supports the TRF. I was very sorry to read it because a reputable organisation has done itself a disservice by associating itself with the TRF. I have already made my case about the TRF in the quotes that I have given, but the BMF says that there has been no surge in applications. Well, the facts clearly belie that. My hon. Friend the Member for Salisbury (Robert Key) has just referred to Wiltshire. In Hampshire, 75 claims were made in the first five months of this year, whereas four claims were made in the preceding 12 months. We have evidence, as does the Minister, that local authorities are currently considering about 2,000 claims.

Jim Knight *indicated assent.*

Mr. Paice: I am grateful to the Minister for agreeing with that general figure. It is clear that there has been a huge surge.

The debate centres on the commencement of clause 62. In Committee, the Minister suggested a delay of perhaps six or 12 months that seemed to be based on legal advice on clause 62(3), which deals with landowners and people who have a legitimate need to take a vehicle up a byway. I am grateful to the Minister for the fact that he very kindly made available his legal advice to all members of the Committee soon after its proceedings began—something that the Government do not always do—thus giving the green lanes protection group and the Opposition the opportunity to take our own legal advice on the proposal.

6.15 pm

Under amendments Nos. 6 and 7, the commencement of clause 62 would be moved to the date of publication of the Bill. There is an argument that that would be retrospective—an argument cited by the Minister in Committee. I wish to quote the advice given to the green lanes protection group by its counsel. Its counsel

"advises that application of the NERC provisions to pending claims would not amount to retrospection because applications under the"

Wildlife and Countryside Act 1981

"amount to nothing more than an initiation of a procedure of ascertainment. That procedure has nothing to do with the creation of rights, and ascertainment is in any case available by other means. Halsbury's Laws state that retrospection occurs when an enactment 'changes the relevant law with effect from a time earlier than the enactment's commencement' which is not the case here. The NERC Bill simply intercepts an ascertainment procedure and extinguishes such vehicular rights as may exist at the date of commencement. That is consistent with the aims of the Bill and does not impinge retrospectively on those rights."

I think that the Minister has already had sight of that advice, and there is more of it. However, that clearly addresses the issue of retrospection, and my hon. Friend the shadow Attorney-General entirely concurs with that advice.

Paddy Tipping: I am grateful to have worked with the hon. Gentleman on that point. Of course, I have seen the advice. The Minister has seen it, and he very kindly met us to discuss it. May I make the case even more strongly? Every legal expert who has been consulted on that advice concurs with that opinion. To put it in a nutshell, those who make a claim do just that. The claim is not established, so there is no element of retrospection in this matter.

Mr. Paice: I am very grateful as always on this matter to the hon. Gentleman. He has been even more proactive—dare I say?—on the subject over the past few months. I am sorry that I was unable to be with him at the meeting to which he referred. He is right that all the advice that we have received states that retrospection is not a problem. So our contention is that commencement should at least go back to the date when the Government published the Bill: 19 May 2005. That is the purpose of amendments Nos. 6 and 7. If the Minister were to accept that contention, it would dramatically reduce the problem to which I shall refer in a moment and which new clause 4 addresses.

The legal advice to the Minister also suggests, however, that clause 62(3), which will replace the public right with a private right, engages the Human Rights Act 1998. Our advice—I use the word "our" widely and include the hon. Member for Sherwood—is that any such suggestion could be resolved by amendments Nos. 12 and 13, which would slightly alter the wording of clause 62(3). If the Minister were to accept those amendments, he would clear the way for the earlier commencement. He could not only drop his original plan for a six or 12 month delay, but commence the provision on 19 May, as I have said.

That date would be appropriate, although there are of course arguments for an earlier date. It could be 20 January, which is when the Government announced the conclusions of their consultation; it could be December 2003, the date when the Government's consultation actually began and raised the issue that the historical right of users of mechanised vehicles to claim a BOAT might be curtailed. There is a range of dates, but given the concerns expressed on both sides of the House in the past few minutes, the earlier the date, the more everybody would be satisfied. Our amendments simply go back to the date of the Bill's publication, but if the Minister fully accepted the strength of my arguments and wanted to go for an earlier date I should support him to the hilt, and I am sure that my right hon. and hon. Friends would do the same.

The fallback would be that commencement was at Royal Assent, which is the purpose of amendment No. 11. The very least we should expect from the Minister is that he agree to that, although he should consider and agree one of the earlier dates as, for the reasons that I set out, retrospection is not an issue. However, whenever commencement takes place there will remain the issue of the large number of outstanding claims to which I referred—about 2,000—which can all be traced back to the Government's announcement in December 2003 that they were proposing to close the opportunity to use historical vehicle rights.

The picture is varied across the counties and in different parts of the country. The main problem is in Dorset, the county of my right hon. Friend the Member for West Dorset (Mr. Letwin), and in Derbyshire, Hampshire, Somerset and Wiltshire. The 2,000 existing claims are only part of the problem. I have already

referred to the quotes from the trail riders website, which illustrate that a further large number of claims are in the pipeline waiting to be launched—dare I say it?—tomorrow. If all those cases, or even a significant proportion of them, are recorded as BOATs the whole purport of clause 62 is useless. One is tempted to say that they would drive a coach and horses, or a tank or motorised vehicle, through the argument. The whole purpose of what the Minister is trying to do, which I think the whole House supports, would be completely destroyed if all those applications were allowed to be recorded as rights of way.

The legal advice to the green lanes protection group is that removal of a public right does not engage the Human Rights Act. That advice was also supplied to the Government. Their own advice does not make that suggestion so there is no contradiction; the Government are not making that suggestion. However, I wanted to make that point clear.

The traffic regulation mechanism has been in existence for many years, since 1984, for local authorities and the Government have already, in new clause 11, given that power to national parks authorities. The whole House welcomes that. The principle of using a traffic regulation order to deal with abuse of byways, where they have become impassable and there are problems for pedestrians or horse riders, is already engaged in law. The issue of human rights cannot be paraded as an argument against new clause 4; nor can retrospection, because traffic regulation orders exist already.

We need to address the problem that I have described: all the applications that have been made since the date when the Government announced the conclusion of their consultations. One could choose other dates but that date is reasonable for the purpose, although I would happily accept December 2003 if the Government agreed. New clause 4 would require the Secretary of State to review all those applications within three years of commencement, whenever they were made, as long as it was after the date and before commencement, and, more important, whenever they were resolved, whether that was before the Bill commenced—not that many would be, because we know that local authorities are not hurrying to do so—or at some stage in the future. If they were resolved and recorded based on an application made between 20 January 2005 and commencement they would fall to be reviewed by the Secretary of State within three years.

The applications would be reviewed against two criteria: damage to the natural environment, which is the theme of the whole Bill; and the impact that the use of the byway by mechanically propelled vehicles would have on other users, in particular whether that would create a danger to other users or would restrict use by other users. If the application fell foul of either of those criteria, the Secretary of State would be compelled to issue a traffic regulation order.

It has been drawn to my attention that there may be a technical problem in the drafting of new clause 4 and that the provision should be more specific about the format of the traffic regulation order. The intention is that the order would prohibit the use of mechanised vehicles on the byway, although I readily accept that that purpose may not be absolutely clear. However, the new clause is a sensible approach, which does not engage human rights or fall foul of retrospection, to deal with what is widely recognised as a serious loophole in the Government's proposals.

I am grateful that the Secretary of State responded to the letter that my right hon. Friend the Member for West Dorset and I sent her a few weeks ago, giving her notice that that was the course of action we proposed to follow. She seemed concerned that it would lead to much contention and referred to the Countryside Act 1968 where disputes over the reclassification of what used to be known affectionately as RUPPs—roads used as public paths—went on for many years; they are now fortunately consigned to history. The Minister may want to repeat the Secretary of State's position, but I would argue two things. First, we are talking about a defined number; we do not know precisely what it is, but it is in the order of 2,000. Secondly, the criteria against which the applications would be judged are clearly set out in our new clause. The Secretary of State would appoint inspectors who would look at the byways and make the necessary decisions. If there is some twist that would make new clause 4 more effective, I shall be the first to say that we shall happily accept it. We are not wedded to the precise wording of the provision, but we believe that if the Secretary of State carried out a review and issued traffic regulation orders it would address the big surge that I have described and which causes concern in almost every county.

Mr. Philip Dunne (Ludlow) (Con): My hon. Friend refers to the contention to which the amendment might give rise. In his description of counties where that would be a major issue he omitted Shropshire where there is already considerable contention about the claims that have been made. Will the Minister consider the amendment in the light of its resolving that existing contention? For example, a farmer in the south of my constituency is facing two cases. One is going before the court, with the assistance of the Forestry Commission, which is also involved, and the other is causing the county council immense effort and work in balancing the competing rights of mechanised and pedestrian users of the land. The amendment would help to resolve such issues to the maximum public good.

Mr. Paice: I am grateful to my hon. Friend, who demonstrates tremendous support for his constituency. The problems he describes occur not only in his constituency but throughout the country. I apologise for not mentioning Shropshire. Perhaps I should add all the other counties that I failed to mention. The problem probably applies to every county, but I highlighted some of those with the largest backlog of applications.

Mr. McLoughlin: I am very pleased by the way in which my hon. Friend has put his case. He has explained the problem very clearly. The truth is that national criteria would be a far better way of dealing with the problem than each county council trying to come to its own conclusions. We are in grave danger of having different rules in different areas. That is particularly so in my constituency, which includes a national park. Great anxiety has been expressed about the number of applications.

6.30 pm

Mr. Paice: I am grateful for my right hon. Friend's support, and I mentioned Derbyshire as one of the counties most affected. I am sure that he is right about having a set of basic criteria in the Bill. I stress that we are talking only about the bulge of applications that has taken place, but such criteria would be there and local authorities and national park authorities would be able to refer to them when they were considering whether to issue their own traffic regulation orders on other byways.

Before I end my remarks, I wish to make a few comments about two other issues that are referred to in this group. The first relates to the new clauses that were tabled by my right hon. Friend the Member for Bracknell (Mr. Mackay). I do not intend to speak to them; it is for him to do that. I am sure that he will do so far more eloquently and certainly with far more detailed knowledge than I can.

I have studied all the papers that my right hon. Friend and his local authority have kindly provided to me, and I know that he has had meetings and discussions with the Minister. I am therefore convinced that there is a serious problem of access across byways. I remember that, when I was the chairman of a local authority, similar problems could cause huge issues. The Bill, supported as it is on both sides of the House, inadvertently makes the problem worse.

I know that my right hon. Friend will refer to cases in which people cannot sell their property because the new purchaser is at risk of being prosecuted for driving to their own home across a byway. I do not believe that the problem can be addressed by ministerial statement. I therefore strongly support the proposals that my right hon. Friend has enshrined in his new clauses and that he will speak to himself.

The second issue refers to cyclists, and I am sure that many hon. Members have received letters from constituents. I was astonished by the number of letters that I have received from people in my constituency who are very concerned that cyclists may be prevented from claiming a right of way once the Bill goes through. My office has been in contact with the Minister's office, and I have to say that I accept that that is not the Bill's intention and that it will not make any difference to the position. The hon. Member for Islington, South and Finsbury (Emily Thornberry) has tabled a new clause on the issue and she will make her own case, but it is clear that there have been at least two cases—probably many more—in which inspectors have used current legislation to rule against the opportunity for cyclists to claim a byway.

Adam Afriyie: We have some great parks, lakes, hills and dales in Berkshire and cycling is one of the healthy and environmentally friendly activities that people undertake. Like my hon. Friend, I have received many letters expressing concern about the issue. Given the vagaries of the current legislation, will he clarify the cases in which local inspectors have ordered against people having the 20-year right to ride a bicycle along some of these rights of way and urge the Minister to consider adding something to the Bill to deal with the problem?

Mr. Paice: I will try to do so. I do not want to go into the detail of all the cases, because the hon. Member for Islington, South and Finsbury may wish to do that. It would be wrong and unfair for me to do so. However, as this is my only opportunity to refer to the cases, I shall do so now.

There is clearly a problem of which the Minister is well aware. I understand that he and his officials believe that the inspectors have been wrong to rule as they have in the cases to which I have referred. He may well be about to say that and, if he does, that will be helpful. However, I am sure that you, Mr. Deputy Speaker, and the House would concur with the point that although ministerial statements about the intention of new law can be taken into account by the courts in interpreting the law, ministerial statements about existing law are effectively of no significance. They cannot alter the meaning of the law particularly when test cases have already taken place. I am not a lawyer, but that is my layman's understanding. Ministers cannot simply by a statement in the House change the meaning of established law.

I think the Minister appreciates that we have a problem in the cases to which I have referred. A change in the law is therefore essential. I will be honest and say that the drafting of the particular new clause is probably flawed—I readily accept that—but I hope that he will give a commitment that the Government will table an amendment in another place that will address the real concerns of many tens of thousands of cyclists that their opportunity to claim a right of way is being restricted. I do not think that anybody wants that to happen, and the Bill is an opportunity to put the position right.

I apologise to the House for taking so long to introduce this group of amendments and new clauses, but it is by far the most important group that we shall discuss tonight. I look forward to the Minister's response to the many points that I have made.

Emily Thornberry (Islington, South and Finsbury) (Lab): As chair of the all-party cycling group, may I take this opportunity to raise an issue that is of particular concern to the cycling community? I refer to rights of way for cyclists in the countryside, 2,000 of whom have contacted their Members of Parliament. That is reflected in cross-party concern, and I am grateful to the right hon. Member for North-West Hampshire (Sir George Young), the hon. Member for Brecon and Radnorshire (Mr. Williams) and my hon. Friends the Members for Llanelli (Nia Griffith), for Stroud (Mr. Drew) and for City of York (Hugh Bayley) for taking their place in the Chamber to show their concern. I am confident that the concern that the cycling world has expressed to the Department has struck a chord and that the Department appreciates that we all want to go in the same direction.

In short, the problem comes down to rights of way in the countryside. Horse riders have bridleways and walkers have footpaths, but it is unclear what cyclists have. I know that many discussions between DEFRA and cycling organisations took place during the recess, and it is clear that we want the same thing—proper access to the countryside for cyclists. It took the very

invention of the bicycle to give many working people access to the countryside for the first time, and we want to ensure that their rights are instilled properly in law.

DEFRA's position has been that the law is already clear enough, but the cycling world's position is that it is not. When we go touring around the countryside, our panniers are already full of many other things and we would rather not have to arm ourselves with the number of documents that we might need to argue with landlords that we perhaps have the right of access to a particular piece of land. We do not have room for copies of the Countryside and Rights of Way Act 2000 and a number of inspectors' decisions. We do not want to have a working knowledge of Pepper *v.* Hart, some of the compelling reasons for the judgment in IRC *v.* Dowdall and O'Mahoney in 1952, or the appeal case on page 401, with particular reference to the judgment of Lord Radcliffe on page 426. We do not want all of that or to have to carry a copy of *Hansard*; we just want the law to be made clear.

We would therefore like an undertaking from the Minister that he will take a serious look at plugging the hole in the law, meet people from the cycling world and sort the matter out in another place. I ask for that so that my inner-city constituents can freely enjoy the delights of south Dorset on bicycle. How we get to south Dorset and ensure that the trains are more friendly towards carrying bicycles is another issue for another time and, I am sure that the Minister will be pleased to hear, for another Department. Let us take one spin of the wheel at a time.

Mr. Andrew Mackay (Bracknell) (Con): I entirely endorse the remarks of the hon. Member for Islington, South and Finsbury (Emily Thornberry). We all have many constituents who are keen cyclists and it is important that an otherwise good Bill does not affect their access to the countryside. She and my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) were right to suggest to the Minister that the appropriate time to put the problem right would be by amendment in the other place. I hope that her eloquence will be heeded in the other place and that the matter will be satisfactorily resolved.

I have another problem in that several of my constituents have entirely inadvertently been caught up in the crossfire of the Bill and will be hugely damaged by it, if it is not amended. I refer, of course, to people who live on RUPPs—roads used as public paths. Many such people, especially those in the Finchampstead part of my constituency, have lived on RUPPs for many years and assumed that they had vehicular access. They are now all being told that they cannot sell their homes.

I know of an extreme example of an elderly couple in their 80s. All medical advice states that they should go into a residential home. Their only substantial asset is their house, which is potentially worth £500,000. Their family would like them to sell it so that they can move into a residential home, but the house is totally unsaleable, as is every single house in my constituency that is on a RUPP. Agents and solicitors tell the owners of such houses that it is not worth while even going to market.

I took up the matter with the Secretary of State, first on behalf of my constituent, Colin Macey OBE, who is chairman of the Heath Ride residents' association, which covers the area in which many of the RUPPs are situated. I wrote to the Secretary of State on 4 August and she kindly replied in some detail exactly a month later. With your permission, Mr. Deputy Speaker, I shall quote from her letter because it is relevant.

The Secretary of State set out the background to the case succinctly. She wrote:

"Mr Macey has motor vehicle access to his home along a ... RUPP... The classification RUPP was created by the 1949 National Parks and Access to the Countryside Act, but it has never been clear in law whether RUPPs carry vehicular rights. Successive Acts of Parliament have tried to resolve this uncertainty by requiring local authorities to reclassify their RUPPs as footpaths, bridleways or 'byways open to all traffic' (BOATs). However, none of these attempts met with complete success and there are still many RUPPs in existence in certain local authorities."

The letter continued:

"Mr Macey, and there are others like him"—

I must say that that was the understatement of the month—

"has until now relied on this uncertainty (as to whether RUPPs carry vehicular rights) for motor vehicle access to his property."

The Secretary of State then said:

"Mr Macey has been able to rely on uncertainty ... until now because it is not an offence to drive a mechanically propelled vehicle on a RUPP. However, the RUPP that Mr Macey uses to access his property will become a restricted byway under the Countryside and Rights of Way Act regulations. It will be an offence to drive a mechanically propelled vehicle on a restricted byway, just as it is already on a footpath or bridleway."

In other words, my constituents and their visitors will not be able to drive their vehicles to such houses, which will be effectively land-locked.

The letter continued:

"However, the key difficulty is that the proposed rights of way provisions in the Natural Environment and Rural Communities Bill—which are designed precisely to remove uncertainty about vehicular rights over rights of way—will extinguish any rights of way for mechanically propelled vehicles that may possibly exist and therefore there will be no longer any prospect of a defence for anyone in Mr Macey's circumstances."

That was another nail in the coffin. The Secretary of State then said:

"It should be pointed out at this stage that, in strict legal terms, Mr Macey, and others in his predicament, should have been advised at the time that they purchased their property that to rely solely on the uncertain status of a RUPP for access to a property is legally unsatisfactory. However, it seems that in certain areas, one in particular being Wokingham, it has been common practice among conveyancing solicitors to rely on the uncertainty over vehicular rights over RUPPs. The problem has been compounded by the fact that the local authority has failed in its statutory duty to reclassify all the RUPPs and in doing so clarify what rights exist over these routes."

It thus seemed to me that the fault might lie with one of my two local authorities—Wokingham unitary authority—so I took up the case with its chief executive, Doug Patterson. I shall again crave the House's indulgence for a few moments because important issues are contained in his response to me dated 26 September. He wrote:

"In the past it was quite common for sales of such properties along RUPPs, which will soon be restricted byways, to be concluded notwithstanding the lack of either an express legal right of way over the RUPP or the existence of a prescriptive right of way because it was not a criminal offence to drive over these roads. However, once the law changes, such properties will very probably be difficult to sell.

[Mr. Andrew Mackay]

Awareness of the issue was highlighted last year in the Wokingham District when a house became unsaleable, and consequently land locked, because of the new legislation."

6.45 pm

The chief executive went on to refer to the elderly couple whom I have already mentioned and then wrote:

"As with the previous property, they were unable to obtain defective title indemnity insurance to enable the sale to proceed because it is not possible to obtain indemnity insurance to protect against prosecution. The professional indemnity insurers for the solicitor acting on the purchase and the mortgage company involved were not willing to be involved in the transaction because of the impending changes to the law, even though the couple had lived in their property for over 30 years. It is anticipated that this issue will render houses adjacent to RUPPs unsaleable not only in Wokingham but also nationally.

You should be aware that in the district of Wokingham, there is estimated to be approximately £100 million worth of property built adjacent to 17 of our 23 Roads Used as Public Paths, which will become Restricted Byways, when the NERC Bill provisions come into force."

Mr. Drew: Does the right hon. Gentleman accept that the whole area is becoming problematic? The Government's rights of way legislation has made the situation with regard to easements more complicated in many respects. Additionally, the Commons Bill has been introduced. Does he agree that we need to sit down to try to solve all the problems relating to access, and who owns the right to access, rationally? The easements seem to involve issues relating to the National Trust. I know that the problem affecting RUPPs is slightly different, but the issues are all interconnected and need to be examined properly.

Mr. Mackay: The hon. Gentleman is absolutely correct. The situation has led to unintended consequences, although, as I hope my remarks about my poor constituents have illustrated, they are not trivial.

May I continue for a few more moments to quote from the letter from the chief executive? He wrote:

"Whilst the officers here at Wokingham have been in frequent contact with DEFRA about this issue on behalf of its residents, it is probable that there will be a significant numbers of other Authorities affected by the same issues across the country."

He continued by naming several of them, and then wrote:

"Authorities such as Hampshire and Oxfordshire (who I believe currently have over 300 RUPPs between them), similarly to Wokingham, gave re classification of RUPPs under the 1981 Wildlife and Countryside Act a low priority, deciding that maintenance and enforcement were more important in the Council's statutory Statement of Priorities for dealing with Public Rights of Way work. Even if Wokingham initiated a programme of re classification of the 17 RUPPs immediately, the process would take 2 or 3 years to complete, especially those modifications which were the subject of a public enquiry. This may mean millions of pounds worth of property could be unsaleable for this period of time."

That is the crux. No one is really to blame. I do not believe that the conveyancing solicitors and estate agents who sold those houses—often a long time ago—thought that there were any problems. My constituents who bought such properties have carried out due diligence and behaved responsibly. I do not believe that Wokingham unitary authority and other local authorities throughout the country should necessarily have changed their policy, because doing so would have been extremely expensive and thus costly to council tax payers. We all know that expenditure is a matter of priority for local authorities, as it is with the Government. It was thus reasonable that the situation was not a priority until now.

I do not think that the problem is especially the fault of the Government because like virtually every hon. Member, I am strongly in favour of what the Bill is trying to do. The points made by my hon. Friend the Member for South-East Cambridgeshire and the behaviour of people who have been using such rights of way wrongly show that legislation is necessary. My hon. Friend the Member for Salisbury (Robert Key) vividly illustrated what is happening in Wiltshire.

I am not in the business of blaming, but I am in the business of ensuring that my constituents have a right to live in the houses that they have purchased and that they can sell them without an unreasonable restriction suddenly being put on them. There is little more unreasonable restriction than being told that there is no vehicular access to a property for homeowners and anyone who legitimately wants to visit them, including tradesmen. It makes that property unliveable in and unsaleable. That cannot be right. It cannot be what the Secretary of State and the Minister wanted when they and their officials drafted the Bill. New clause 10, which I hope to put to a vote, would resolve the problem.

One or two people have contended that explanatory note 28 solves the problem. It states:

"There are property owners and others with an interest in land who rely on unrecorded . . . vehicular rights of way for access to that land. The Bill ensures that, if the public right of way for"

mechanically propelled vehicles

"is extinguished, those people are provided with a private right of way to access the land."

However, clause 62(1) does not apply to my constituents because they do not meet the requirement of clause 62(1)(b) that the rights are used mainly for the purpose for which restricted byways are used.

I estimate that 90 per cent. of the movements on RUPPs in my constituency are by MPV. Therefore, clause 62(3) does not apply and, presumably, nor does the explanatory note. I hope that the Minister does not hide behind explanatory note 28. If he does, I most certainly will want to press my new clause to a vote.

Paddy Tipping: I am pleased to follow the right hon. Member for Bracknell (Mr. Mackay). His important points reflect the haphazard nature of rights of way legislation, which has grown and been amended over the years. In many respects, there is confusion. His point is similar to that made by my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry). I am unclear about how part 6 affects the rights of cyclists. I am pretty clear in my mind that it does not affect the established rights of cyclists, but what is more moot and questionable is whether they lose the right to claim new routes, which is how it appears. A separate category for cyclists in rights of way legislation is not clearly set out. I cycle, although I do not fill my panniers with the books and texts talked about. It is clearly right,

however, that those of us who advocate a right to walk in the countryside should also secure the rights of people who want to cycle in the countryside.

I have looked closely at new clause 21. I do not think that it does the task that my hon. Friend anticipates, but she is versed in these matters and I am not. However, I back her request that we need to examine the matter closely during the Bill's remaining stages. I am confident that the Minister will do that. He and his officials have worked hard on part 6. There has been a great deal of movement. The Department accepted that there had been a flood of claims. That was dismissed early on, but as we examined the matter, the Minister accepted that there was a problem. As the hon. Member for South-East Cambridgeshire (Mr. Paice) said, the Minister was kind enough to publish—unusually, in many respects—the legal advice that he received. I am grateful to him for doing that.

I stress that concern is felt on both sides of the Chamber in both Houses, and it has substantial support from the organisations that have an interest. I know that the Minister is listening to that substantial lobby. I am grateful that he met me and representatives of the green lanes protection group in September, when we discussed the counsel's opinion that the GLPG had obtained from John Hobson, a leading expert in the subject. As the hon. Member for South-East Cambridgeshire said, the Hobson opinion is clear that private rights and access, which give rise to human rights issues, are tackled in amendments Nos. 12 and 13. I support them and hope that the Minister will consider them carefully.

The essential issue is that of commencement. The Hobson opinion closely considers that, and it has been shared across the country with solicitors who have long experience in such matters. It is complicated, but in relative terms its core is straightforward. Part 6 extinguishes the right to use mechanically propelled vehicles on areas covered by new claims. All of us support that. It must be the case that if we are prepared to back that view—there is almost universal consensus for it across the country, with few exceptions—we should do it sooner rather than later.

There is no case for delay. Hobson clearly says that the legislation can be implemented immediately because the claims are just that—claims. They have not been established in law. By itself, a claim has no validity. However, the claims are stacking up, and the Minister would be wise to introduce an early commencement date. There are plenty of opportunities to do that. It could be on Royal Assent of 19 May, the day on which the Bill was published. It clearly is the case—it has been demonstrated thoroughly in the debate—that groups of people across the country are stacking up claims. What is more, they are being paid for it. That is a most unsatisfactory situation.

I am grateful for the movement on matters so far. Following our meeting on 22 September, the Minister kindly wrote to me. In a letter dated 3 October, he stated:

> "I said that I would give you a very clear idea at the Commons Report Stage of how we intend to proceed on this issue."

I look forward to his statement. He will let us know of his decision, and an early intervention might help us. I promise him that we will look closely at what he has to say. I am delighted with part 6. If its provisions are right in the future, they should be right now.

Jim Knight: It is not up to me when I am called to speak in the debate. I am happy to hear all of the thoughts of hon. Members on both sides of the House in representing their constituents. Having done so, perhaps it is a good time for me to answer all of them.

Paddy Tipping: I am grateful that the Minister will respond. We shall listen to him closely and make further representations to him tonight. Those representations will be nothing like those that will be made in another place. It may well be in my hon. Friend's interests to give way gracefully on this matter.

7 pm

Mr. Roger Williams: Having listened to the debate on proposed rights of way legislation, I am confirmed in my opinion that we have rights of way legislation and a rights of way network relevant to the 18th and 19th centuries and not to the 21st century. In trying to amend a system that is fundamentally flawed, we make only minor improvements without getting to the basis of the problem.

New clause 23 stands in my name. Before I refer to it, I shall talk to new clause 4, which was moved by the hon. Member for South-East Cambridgeshire (Mr. Paice). I understand his reasons for introducing it. We are all concerned about those people who use motorised vehicles and in so doing abuse the countryside. At the same time, there are responsible people who enjoy motorised recreation in the countryside. The legislation should reflect their efforts to ensure that they do not damage the countryside and that, indeed, they promote it. I know that there is concern about those who abuse rights of way and cause environmental damage.

Lembit Öpik: As he shares representation of Powys with me, does my hon. Friend agree that much motorised off-road activity is organised responsibly? Some people will be concerned that legitimate and sustainable activity could be compromised if legislation were too tight. Those same people would agree that, if legislation works effectively, irresponsible individuals will be stopped without harming those who are innocent.

Mr. Williams: I thank my hon. Friend. He and I share the responsibility of representing an area of mid-Wales that is used by motorised vehicles, by people on foot, by cyclists and by people who ride horses. The difficulty is to achieve a balance. So often the good intentions and the good efforts of responsible people are destroyed by those who are irresponsible.

Mr. Paice: Nothing that I propose affects the existing network of BOATs, so all responsible users, who, I readily accept, are numerous, will still have the use of the existing network. They will still be able to use private land in the way in which I described in my opening remarks.

Mr. Williams: I thank the hon. Gentleman for pointing that out. Those involved in such activities

[Mr. Williams]

sometimes forget that the existing uses are not affected either by the proposed legislation or by the hon. Gentleman's new clause.

I have been told by some members of the green lane preservation society—I do not know whether that is exactly the name of the society—

Rob Marris (Wolverhampton, South-West) (Lab): It is the Green Lanes Protection Group.

Mr. Williams: I thank the hon. Gentleman.

The Government are considering some form of sustainability test for rights of way to use when deciding whether a RUPP could be reclassified as a BOAT. Perhaps the Minister will comment on that. It is late in the day to come forward with such suggestions and he may wish to reassure us or refer to discussions that he has had with relevant bodies.

I support new clause 21. There should be some certainty in legislation about rights of way and the byways that cyclists can use so as to enjoy their recreation. The increasing popularity of mountain biking has enabled cyclists to gain access to parts of the countryside that they have never reached before. It would be of great benefit to them and to cyclists in general if legislation were much more definitive and obvious in its interpretation. As the hon. Member for Islington, South and Finsbury (Emily Thornberry) said, the last thing that we want when we are engaged in our activities, recreation and enjoyment is to be challenged by those who wish to dispute whether we have the right to use particular rights of way.

New clause 23 stands in my name. It is about the ability to use rights of way—byways in particular—for cycle races and time trials. It is an anomaly of the law that, while cyclists can use highways for races if they get appropriate authorisation from local authorities, with local authorities being able to place conditions on such use, there is no way in which cyclists can obtain permission to use restricted byways, including bridleways or footpaths on some occasions, for races or time trials.

The anomaly arises from the Road Traffic Act 1988. The new clause would allow organisations to apply to use rights of way for cycle races, including time trials. Local authorities or highway authorities would be able to put restrictions or conditions upon that authorisation.

That may appear a small issue to the Minister, but in Llanwrtyd Wells it is extremely important. Gordon Green has promoted the area over the past years. Llanwrtyd Wells claims to be the smallest town in England and Wales. It was the place where Sosban Fach was composed and has come to international importance through the world bog snorkelling championship. One of the other competitions that has been promoted there is the man versus horse race, an event that has been going on for 27 years and is sponsored by William Hill, which makes available £1,000 every year. The year before last, the man won. He beat the horse and won a prize of £27,000.

The real intention of the competition was that it should be man versus horse versus cyclist. As it is illegal to have races or time trials on byways, including bridleways, Gordon Green, being a man of complete integrity, was not prepared to promote such a competition if it was illegal.

The Minister, by a single stroke, could become popular in Llanwrtyd Wells and famous. I have no doubt that he would be invited to start the man versus horse versus cyclist race. He would join a sequence of famous people such as Lord Sutch and madam Cynthia Payne who have previously started it.

This is a serious matter. It is a small anomaly that can easily be rectified by the Minister. Mountain biking is increasing in popularity. The new clause could lead to more activity in rural areas and promote the rural and local economies. By a small token, he could undo an obvious anomaly. When he takes the matter back to the other place, he should know that many of their lordships would love to partake of cycle races on byways and bridleways. I am sure that there will be considerable support for the proposition. I hope that he can accommodate the wishes of Llanwrtyd Wells.

Hugh Bayley (City of York) (Lab): I support my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry). I am a regular cyclist and have made three trips by bicycle today. Unless the heavens open or a hurricane hits London, I will cycle back to my pad this evening.

I wish to elucidate two principles. First, cycling is good for one's health and for the environment, so the Government should do whatever they can to promote and encourage cycling, whether in the countryside or elsewhere. A number of hon. Members have talked about the importance of bridleways being open to cyclists to draw them into the countryside, but sometimes safety is an attraction. In countryside areas close to towns, it may well be safer for cyclists to cycle off-road than go on a busy road, especially as more and more roads are designed especially for motor vehicles, with dual carriageways, roundabouts and so on. Promoting cycling is therefore a good thing.

Secondly, our countryside is a valuable and precious resource. The spirits of town dwellers such as myself are lifted and our health improved when we walk or cycle in the countryside. That is partly because of the exercise and but also because of the peace and quiet that the countryside provides. A number of hon. Members talked about the environmental damage that motor vehicles can do to the countryside, mainly by chewing up paths. The hon. Member for Salisbury (Robert Key) discussed the damage that can be done to the archaeology below the surface when paths are used by motor vehicles. However, motor vehicles cause another environmental problem in the countryside, especially near high hills, with the noise that they make. If one goes to the hills for peace and quiet and one hears the drone of motor vehicles—

Rob Marris: One can smell them.

Hugh Bayley: Indeed. If one hears that drone the lift to one's spirits is not as high or as mighty as it would otherwise be. That is a particular problem in hills. Sound waves travel in straight lines in flat areas, so trees can reduce the noise. Such areas may be a suitable place to use off-road motor vehicles. Valleys, however, act as

sound bowls, so once one is up in the hills one can hear everything that motor vehicles do in the valleys. That constitutes an environmental problem.

I hope that the Government will look closely at the legislation to ensure that it promotes cycling. On bridleways where cycling is permitted, motor vehicles should not be allowed. Those principles are important, and I congratulate my hon. Friend the Member for Islington, South and Finsbury on her new clause. I hope that the Minister will give Members a commitment to meet the Cyclists Touring Club and the cycling lobby to discuss their concerns and to make sure that the Bill, which is a very good piece of legislation, takes account of their needs and incorporates the two principles that I elucidated when it completes its passage through the other place.

7.15 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow the hon. Member for City of York (Hugh Bayley)—I expect that we will meet later by the Members' cycle rack before we pedal home. The hon. Member for Sherwood (Paddy Tipping) delivered a knowledgeable speech, as is his wont, in a softly spoken manner, but I am sure that the Minister detected a hint of menace towards the end of his remarks.

I would like to speak briefly to new clause 21. It is a pleasure to follow in the slipstream of the hon. Member for Islington, South and Finsbury (Emily Thornberry), the chair of the all-party parliamentary cycling group, of which I am patron. I also speak as the honorary vice-president of the Cyclists Touring Club. As she and my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) said, there is an element of uncertainty about the rights of cyclists, and it is not clear whether they have a right of way. It has always been assumed that evidence of cycle use was sufficient to claim either a carriageway or a bridleway, but in two recent public inquiries to which my hon. Friend referred, the same inspector has ruled against attempts to claim either way on the grounds that there was no statutory or common law authority to do so. As the Bill is going through the House, it is appropriate to clarify the question, and I am sure that there will not be a great falling out over the issue.

Turning briefly to new clause 4, my hon. Friend mentioned the serious situation in Hampshire. Between January and May this year, 74 byway claims were received. I contacted the county council this morning to find out the position, and it said that it had

"not, in fact, received any byway claims since 17 May. This appears to be as a result of the moratorium subsequently placed on the making of such applications by the"

Trail Riders Fellowship and the Land Access and Recreation Association. It continues:

"We have no doubt that more claims are in the pipeline and ready to be submitted once the current embargo ends."

Like other hon. Members, I received a piece of propaganda from the Green Lane Association on behalf of people who want to extend rights of way. At the beginning, it says:

"We ... do not risk damage to either our vehicles or to the countryside."

I am sure that its members do not risk damage to their vehicles, but it is simply not the case that they do not risk damage to the countryside. The document makes one interesting argument, about the position of disabled people, that needs to be addressed before it is dismissed. Towards the end, it says that, in the interests of access to the countryside, people who are less mobile should be allowed more rights of way. I tried that argument out yesterday on a constituent in a wheelchair who was visiting the Houses of Parliament. She was emphatic: she minded about the countryside and did not want roads to be churned up by four-wheeled vehicles or motorbikes. She would be deeply resentful if disabled people were used as an argument in favour of such action. Having raised that argument, I hope that too much account will not be made of it. I notice that it has not been made by groups representing disabled people, but only by the Green Lane Association, which has a small but vociferous membership. As we have heard throughout this debate, it is stacking up claims to create byways in the hope that they will be heard under the old rules. My hon. Friend the Member for South-East Cambridgeshire said that Wiltshire county council estimates that it has over 30 years' work to process the claims that it has received so far. While it does so, the damage to the routes in question will continue. I understand why notice was given for a period of exemption, but the evidence that we have heard in our debate suggests that that is not the best way to proceed.

To conclude with the position in Hampshire, the Minister generously held a meeting on 22 September with the CTC. Some photographs were left with him showing parts of tracks that were badly damaged, even though other parts of the route had been repaired. The cost of repairs this year has been estimated to be £10,000, including officer time. Further works have yet to be done, and complaints are being made to Hampshire county council about the fact that it has to spend ratepayers' money on repairs made necessary by a tiny minority of users, particularly motorbikes. When the council was asked to extend the traffic regulation order, the assistant head of the countryside service said:

"the legislation does not allow the highway authority to use or extend the scope of a Traffic Regulation Order as an alternative to undertaking repair works."

That raises important questions about how we stop the damage.

I hope that the Minister will deal with the Bassetlaw question. The relevant provision is prospective and applies only to new rights of way. We need to address the important issue of all the rights of way that have been established, even though activity may not be appropriate.

The Minister is a sensitive soul and he will have detected the mood of the House throughout the debate. I do not know what his officials have drafted for his winding-up speech, but he might be well advised to ad lib and go off track for a short time. If he wants to capture the mood of the House and build on the consensus that has featured in the debate so far, he should opt for the earliest possible date.

John Mann: Last night, I looked at a booklet featuring Saxon and Roman routes through Bassetlaw, which is now no longer published. Those who were on the Standing Committee will probably be relieved to learn that I do not propose to illustrate my speech with numerous extracts from it, although doubtless other

[John Mann]

Members will be greatly disappointed. Anyway, I am sure that an opportunity for me to quote from it will arise at an appropriate point. I shall confine myself to saying that it is absurd that, as a result of an anomaly in the law that the Bill attempts to remove, 550 square miles of my constituency that are riddled with both Roman and Saxon through routes should be affected because quad bikers and other such sportspeople choose to give their business to the area, having discovered it through websites and links. Only recently, a group from south Wales who had spotted the routes on the internet decided to pay a day-long visit with the sole purpose of travelling along former bridleways.

Whether it is called the Bassetlaw question or not, the Minister must ensure that it is acted on. There is a legislative anomaly here. I am relaxed about the potential use of traffic regulation orders, on condition that the Government give clear direction to more reluctant authorities such as Nottinghamshire county council, which seems to think that the use of such orders in this context should be seen in a variety of wider contexts than that of what is wanted by the overwhelming majority of local people. The wide public consultations in which I have engaged suggest that 99 per cent. of local people do not want quad bikes, motor bikes or any other motorised vehicles to travel down the most sensitive lanes in our countryside. It is essential that the Government give the right guidance to rectify that anomaly.

I was perturbed by the triumphalist language that we heard at the beginning of the debate. There were references to U-turns and backing down on the Minister's part, as if he were a weak Minister forced into concessions. In fact, as those who served on the Committee will recall vividly, there was all-party debate and consensus on most of the issues that were raised then. The fact that the Minister felt able to go back to his drafters and return with his own amendments indicates strength. No doubt he feels able to go further. In any event, he has ensured that the common sense exhibited by all parties will become legislation. I see that as the action of a strong Minister, not a weak one, which the House should commend.

I intend to make three points about the new clauses. There is an important omission from new clause 4, which it is vital not to overlook. Subsection (2) contains paragraphs (a) and (b), but there ought to be a paragraph (c), dealing with crime and disorder. Paragraphs (a) and (b) deal essentially with the volume of motorised vehicles, but we should also consider the threat. Occasional use of such vehicles may not damage the environment to any great extent. It may not constitute a particular danger according to the definition. In terms of crime and disorder, however, it may be a problem. It may affect isolated properties, for instance. In my constituency, there is the potential for entrances and exits to be created to and from areas in which crimes could be committed.

I have received support from both the local crime and disorder partnership and the police in regard to the use of traffic regulation orders. The police believe that crime and disorder are critical to the need to row back the new rights. If it were just a question of the odd trail rider, we would all feel quite relaxed. It is, however, a question of the rights going to everyone else, and the impossibility of doing anything about it. There is no particular clash with trail riders in my area.

That is the weakness that I see in new clause 4, but I also see a strength in its meaning and intent. A problem for county councils is that each traffic regulation order causes a good deal of bureaucratic work. In a wider context than today's debate, it would be sensible for Government to allow authorities to impose such orders en bloc rather than individually. That might be done by means of a lowering of speed limits in villages, or the application of TROs to anomalies with which the Bill cannot deal. Such a move would save authorities time and costs, and I hope that the Minister will consider it. I feel that it is in the spirit of new clause 4.

New clause 10, tabled by the right hon. Member for Bracknell (Mr. Mackay), deals with the law of unintended consequences. I shall make two points about it. First, the definition of "premises" needs to be tight. Secondly, there is the issue of definitions of "right of vehicular access". I can give two examples of attempts by property developers in Bassetlaw to create new rights of access to what they claim are existing properties. The properties have not, in fact, been built, but the developers are trying to secure initial planning permission. They have been found out, though. Their case is essentially this: "We want to convert an old ruin, and because we have been driving to and from it for many years—although no one has spotted us—we have vehicular rights." Wrongly and stupidly, in my view, planning permission may have been given for one property and then, lo and behold, new vehicular rights emerge in respect of neighbouring land.

The issue is not peculiar to the countryside. The most contentious example applies to an urbanised area of Worksop, in my constituency. That is, however, precisely the kind of unintended consequence that could result from the new clause, according to my reading of it. I hope that the right hon. Member for Bracknell will not push what appears to be a sensible proposal without allowing the Minister—I hope that he has not already accepted the new clause; if not, I urge caution on him—to take account of other unintended consequences. I am thinking especially of the creation of vehicular rights that could be used to enhance land values with the aim of securing new property developments that would not have been allowed if the initial vehicular right had not been granted. There is a problem with the new clause's wording and I will certainly vote against it if it is pressed to a vote, even though I wholly accept the logic behind it.

7.30 pm

On new clause 21, which deals with cycling, I again urge caution, although not in respect of the principle behind it. Let me give another example from my own constituency, which concerns one right of way crossing another. A particular footpath to a school in my constituency is most definitely the safest route for children to take, because it keeps them away from dangerous main rdads. However, attempts have been made to create an enhanced right of way across that footpath. We need to exercise caution in such clashing of rights of way. On the face of it, such a development could constitute an enhancement, but it could lead to the rights of the occasional cyclist at certain times

endangering small children going to the nearby nursery school. Moreover, the school travel plan encourages slightly older children—those aged from five to eight years old—to travel on their own to school on that route, because doing so is considered safe. We need to look at this issue to ensure that we are not creating another unintended consequence by providing what is, on the face of it, a sensible enhancement of cyclists' rights.

Mr. Peter Atkinson: I agree with something that the hon. Member for Bassetlaw (John Mann) said, in that I hope that we will not need to push the new clause to a vote. I hope that the Minister will instead accept it, or at least accept most of its content. This is a very serious issue, and I slightly admonish my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) for not mentioning in his list of counties those of Northumberland and Durham.

The upland areas of the north Pennines are seriously afflicted by the problem of dozens and dozens of applications to open up old drove roads and track roads to vehicles. A particular problem in the upland commons is that when the enclosure Acts were passed in the 18th and 19th centuries, various track-ways were put down on the enclosure maps. Because some of the track-ways were for the use of drovers and local farmers, they were extremely wide, and their width is specified on the enclosure orders.

In my constituency, some of these track-ways are 30, 40 or even 60 yd wide, such measurements being the traditional widths. Of course, that causes enormous problems. In fact, some of the track-ways do not appear on the ground at all. A particular track-way in my constituency that is included on an enclosure map was never actually put in, so if it is turned into a byway, the farmer will have to demolish 60-yd stretches of old stone walls over a distance of about a mile. That is clearly ludicrous, and urgent action is needed from the Minister.

Some 60-yd wide drove roads now have houses built on them. In Stocksfield, in the Tyne valley, where development has taken place since the turn of the 20th century, houses have been built on part of those drove roads. They will remain virtually un-sellable until this matter is finally resolved. This is a very urgent issue, and if the Minister cannot accept new clause 4 in its entirety, I urge him at least to accept the spirit of it. Opening up these ways to motorised vehicles and trail riders has the potential to destroy a growing tourist industry in the Pennines. In building our tourist industry, we rely on people who enjoy quiet solitude and physical activity. Such activities will be utterly destroyed if these roads become common-use roads for four-wheel-drive vehicles and trail bikes.

Anne Snelgrove (South Swindon) (Lab): I want to thank the Minister for offering an open door to Members from all parts of the House. He has responded to letters, e-mails, phone calls, texts and face-to-face lobbying—and that is just from me; heaven knows what the sum total of such lobbying has been across the House. He has met all of this with courtesy and good humour, and I am sure that he will continue to do so, and to show the flexibility that he is known for, throughout the rest of our deliberations. This is an important Bill for the countryside, and I say that having experienced in the past week the lasting effect of 4x4s on one of the most important national trails in the English countryside. That is why I hope that the Minister will ensure that this Bill is enacted as soon as possible.

Last Friday, I had the pleasure of meeting representatives of the Ramblers Association, the Cyclists' Touring Club and the Friends of the Ridgeway at Barbury castle, in my constituency. All of them agreed that this Bill is important to the Ridgeway national trail. I agree with my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) that it is important for cyclists as well, and I pay tribute to her eloquence. I will not repeat her arguments, but I totally agree with them.

I have the honour of being vice-president of the Friends of the Ridgeway—one that I share with other Members. They know, as Members throughout the House know, the damage that 4x4s have done to some of the most delicate country lanes and paths on that route. Indeed, some two years after 4x4s were banned from the paths that I visited on Friday, there are still deep ruts in the ground, which is why this Bill must be enacted as soon as possible. This is not a sustainable state of affairs for the countryside that my South Swindon constituents and the people of the surrounding villages enjoy so much.

In response to one of my letters, the Minister wrote to me on 31 July, saying that he had

"met representatives from a number of motor vehicle user groups and invited them to exercise voluntary restraint in submitting byway claims. I called on them to come up with, and put into practice, a protocol whereby motor vehicle users will only put in claims for routes that are suitable for motor vehicle use."

He said that this would be

"an opportunity for those groups to show that they will be responsible and submit only claims that are for sustainable routes."

He further said that he had made it clear to them

"that if they do not, I will commence the proposed legislation at the earliest possible date."

We have heard today from all parts of the House that a responsible attitude has not been shown.

I thank the Minister for listening, and I hope that he will enact this legislation as soon as possible.

Rob Marris: As a cyclist, I find new clause 21 attractive and congratulate my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) on tabling it. I urge the Government to ensure that by the time this Bill becomes an Act—preferably sooner, rather than later—it will enable byways to be clearly open to bicycles, but not to noxious trucks, cars, motor bikes and quad bikes.

Jim Knight: I commend my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) on his succinct speech, given how much more we still have to cover this evening. This has been a lengthy debate, but it has enabled great constituency champions such as my hon. Friends the Members for South Swindon (Anne Snelgrove) and for Wolverhampton, South-West to represent their constituents, as we have heard. I reiterate the point made by the hon. Member for South-East Cambridgeshire (Mr. Paice). However we resolve this

[Jim Knight]

issue—I intend to resolve it robustly—an existing network of rights of way is available to motorised vehicles that is subject to traffic regulation orders. We heard earlier that, with the agreement of the House, national parks authorities will have the power to make traffic regulation orders in order partially to deal with this problem. I hope that that means that responsible riders such as those referred to by the hon. Member for Montgomeryshire (Lembit Öpik)—he is no longer in his place—can pursue their pastime responsibly. I regret that those irresponsible drivers and riders of motorised vehicles have in many ways made it necessary for the Government to act quickly and effectively in this matter.

I am grateful to hon. Members for tabling the amendments on an important issue. In dealing with them, let me set out clearly what we have done, what we are going to do and why we are doing it. I will then discuss the detail of the amendments as briefly as I can.

In Committee, I explained that there were human rights issues surrounding the commencement of the legislation that led us to believe that it would be appropriate to give a period of statutory notice before commencement of these provisions. I undertook to make publicly available, for others to comment upon, a summary of the legal advice that we received on the human rights aspects of commencement. At the same time, I made it clear that if motor vehicle users were able to exercise restraint in submitting byway claims, there might be no pressing need to commence the legislation straight away.

In light of comments we have received on the human rights aspects, and after careful consideration, we have concluded that, provided the provisions in clause 62(3), which provide for private rights where public rights are extinguished, are strengthened sufficiently, it will not be necessary to allow a period of statutory notice before the legislation can be commenced. [HON. MEMBERS: "Hear, hear."] I am glad that the House approves.

The motorised user groups have been engaged in developing a protocol for managing byway claims, on which they consulted other rights of way users and stakeholders. In addition, as a gesture of good faith, they have instigated a self-imposed moratorium on claims until such time as a protocol could be agreed.

My officials—I pay tribute to them for their assiduous work, particularly in the last few months—have been in touch with local authorities to monitor the numbers of new byway claims. In certain counties, the moratorium has been effective. In others, there have been considerable increases in the numbers of applications to have routes recorded as byways on the definitive map and statement. I see that the hon. Member for Salisbury (Robert Key) is in his place and we heard from him earlier. Wiltshire county council has received over 70 applications for new byways within the last few weeks.

Clearly, these voluntary measures, however well intended, are not having the desired effect. We cannot tolerate local authorities being deluged with applications in an attempt to thwart the aims of the Bill. In delivering the package of measures that we promised in the Government's "Framework for Action" on mechanically propelled vehicles, we are proposing legislation to curtail applications for byways open to all traffic based on historic vehicular use, such as the Saxon and Roman routes in Bassetlaw, and extinguishing any unrecorded vehicular rights; in rights of way terms, this is a radical measure and not to be underestimated by the House. I should clarify that the Bill does not affect the rights of users of wheelchairs and invalid carriages to use restricted byways.

I hope that my hon. Friend the Member for Sherwood (Paddy Tipping) is listening closely to this point. I have decided to commence these provisions as soon as possible after Royal Assent and, if legally possible, at Royal Assent. That leaves us with the measures that we should take to deal with any new byway applications made between now and commencement and how to treat existing, outstanding applications in a way that is fair and appropriate.

Mr. Oliver Letwin (West Dorset) (Con): Will the Minister clarify that he is talking about all those applications that have been made since consultation and up to commencement?

Jim Knight: Yes, I am talking about outstanding applications.

I intend to make a clear and explicit announcement about this while the Bill is in the other place, once I have received sufficient legal advice about how we can deal with it. To those listening outside this House, I say that if there is the flood that we fear as a result of my announcement about commencement, I will seek to take as aggressive a stance as I possibly can from that legal advice on how outstanding claims are to be dealt with.

We will shortly be publishing an updated version of "Making the Best of Byways", a practical guide to managing the use of mechanically propelled vehicles on routes where there are established rights for such vehicles. That will help with what the right hon. Member for North-West Hampshire (Sir George Young) described as "the Bassetlaw question." We are also introducing guidance on the better use of traffic regulation orders—including pre-emptive traffic regulation orders—and other regulatory and enforcement measures on which my hon. Friend the Member for Bassetlaw is so keen.

Because of the interest expressed by the Welsh Assembly Government in this guidance, we have decided—I am sure that the hon. Member for Brecon and Radnorshire (Mr. Williams) will be pleased with this—to simultaneously launch a Welsh language version. This means that it will take a little longer to publish than I had hoped, but it will be ready—along with "Making the Best of Byways"—certainly by the time this Bill has Royal Assent and, if I can have anything to do with it, a little bit sooner.

7.45 pm

Paddy Tipping: I am grateful for the commitments that my hon. Friend the Minister has made and I am delighted that commencement will proceed at as early a stage as possible after Royal Assent. Clearly there will be further discussions on that. However, this House and the other place will want to discuss the outstanding applications. In Hampshire, and other parts of the country, there are a great many. In many cases, those

applications have been made to the local authority, which is the highway authority, but no order has been made by the local authority. Those cases must be dealt with by the new legislation, so those applications will fail on Royal Assent if commencement is at the same time. Have I understood this correctly? I hope I have.

Jim Knight: As ever, I am grateful to my hon. Friend. Following our identifying the wider problem and announcing that we would curtail historic rights, there was a muted celebration from hon. Members, who then focused on commencement. Having now made an announcement on commencement, we received a muted "Hear, hear" from Members, who then moved to the next problem, the outstanding applications. I will make an announcement on that when the Bill goes to the Lords and I hope to be able to satisfy my hon. Friend—

Mr. Letwin *rose—*

Jim Knight: And even the right hon. Gentleman.

Mr. Letwin: I am grateful to the Minister for giving way again; he has been very generous. I want to press him on this question, which is important from the point of view of our planning in the Lords. When he says that he will make an announcement, does he mean that he will announce amendments that will be tabled in the Lords and will have the force of law, or does he mean that he will make some clarificatory statement? If the former, hallelujah; we will look at the amendments with great delight. If the latter, I must warn him that it will not satisfy.

Jim Knight: I hope it will be "Hallelujah." It would be my intention to clarify this matter in law in the Bill. That is subject to the legal advice that I need to receive and the discussions that I need to have with officials, but that is my intention.

Mr. Paice: I am sorry if the Minister thinks that there is a pincer movement; it is not intentional. But may I press him a bit more? I accept that he must take more legal advice and will not want to be too tied down at this moment, but is it his intention to put it into law that, basically, these outstanding applications will be dealt with under the new law or in some other way that will restrict the use of mechanised vehicles? That is what we are trying to prevent: these 2,000-odd applications all becoming BOATs.

Jim Knight: We all agree that, as far as possible, we want an end to this abuse of the countryside and to prevent local authorities from being deluged with applications and not being able to process them; in Wiltshire's case, as some have said, for 30 years. That is my intention and the announcement will be based around trying to resolve that problem. In addition, we are providing national park authorities with powers to make traffic regulation orders on unsurfaced routes and rights of way.

I hope that the House will agree that this is a significant package that will deliver much of what hon. Members on both sides are seeking in their amendments. I hope that, on that basis, they will feel able to withdraw their amendments. If so, I will not go through the long rebuttal that I have prepared on some of the detail of the amendments. If the hon. Member for South-East Cambridgeshire is willing to nod to that, I will not need to go down that road.

Mr. Paice: Not quite a nod, Mr. Deputy Speaker; or even a wink, which might be misconstrued. The Minister said in his opening comments that he accepted that if he put right the issue of public versus private rights, the Human Rights Act would not come into play. We have tabled amendments based on the advice of counsel, to which several hon. Members have referred, that would do just that. Is the Minister saying that he is not accepting the amending provisions on that issue? I am not talking about the separate issue of existing claims, but we need to know whether the Minister is refusing to accept the amending provisions drafted by counsel and, if so, why. Secondly, if it is not the way forward, I want an explanation of what is wrong with the approach devised in new clause 4.

Jim Knight: In that case, I shall go through the detail as quickly as I can.

Under new clause 4, a sort of suitability test would be applied by the Secretary of State. The letter from the Secretary of State has been read out and it refers to the similar approach taken in the reclassification of roads used as public paths in the Countryside Act 1968. Disputes about some of the reclassifications are still ongoing. I heard what was said about the present task being more restricted than that, but the proposals in new clause 4 would require local knowledge and a local presence on the ground to enforce the orders—neither of which requirements could be fulfilled by the Secretary of State. For the Secretary of State to make traffic regulation orders that would have to be enforced at the local level would impose significant new burdens on local authorities. By commencing the part 6 provisions as early as possible and by looking at ways of dealing with existing byway claims, I believe that we can deliver what the new clause seeks more effectively.

Paddy Tipping: Will the Minister give way on that point?

Jim Knight: I will give way one last time, particularly as it is to my hon. Friend, but I really want to make some progress.

Paddy Tipping: We all want to make progress on this issue and the line of progress has been laid out clearly to the Minister. New clause 4 is not at issue: the hon. Member for South-East Cambridgeshire (Mr. Paice) was referring to amendments Nos. 12 and 13. I cannot speak for the Opposition or anyone but myself, but if the Minister is saying that those amendments are acceptable in principle and that he will introduce them in some form at a later date, we can make some progress.

Jim Knight: By way of making progress, I am seeking to table amendments in the other place that will satisfy the points that have been raised. I will continue my discussions with hon. Members in order to achieve that.

It is important to deal with new clause 10, because the right hon. Member for Bracknell (Mr. Mackay) made some significant points. I recognise that many people

[Jim Knight]

living on roads used as public paths have until now relied on the uncertainty as to whether RUPPs carry vehicular rights for motor vehicle access to their property. Under the combined effect of this part of the Bill and the restrictive byway provisions of the Countryside and Rights of Way Act 2000, those routes will become restricted byways and any motor vehicular rights will be extinguished. It will then become an offence, as the right hon. Gentleman said, to drive a mechanically propelled vehicle over them.

In strict legal terms, anyone with a property on a RUPP should have been advised at the time of purchase or construction of their property that to rely solely on the uncertain status of a RUPP for access to a property is legally unsatisfactory; but I accept what the right hon. Gentleman says—that it has become standard practice in certain areas. It seems that in some parts of the country it has been common practice to rely on the uncertainty and the Government recognise that there is a problem that needs to be addressed. With that in mind, we introduced a clause to ensure that anyone in those circumstances is not left landlocked—subject to one condition, to which I shall refer.

The present clause provides for a private right for those who have a reasonable need to access their property and were doing so by relying on a public vehicular right prior to the commencement of the rights of way provisions in the Bill. However, those people will have to prove that a public vehicular right existed before they can establish a private right. I appreciate that that may be difficult in the sorts of circumstances that the right hon. Gentleman described. Accepting the urgency of the problem for the right hon. Gentleman's constituents, it does not seem unreasonable to exempt people who wish only to access their property from committing a criminal offence. I am therefore prepared to consider the issue further with a view to introducing improved wording in the other place. We have some difficulty with the concept of reasonable occupation—wording in the right hon. Gentleman's new clause that would be new to law. I hope that he will allow us to resolve the matter as I have suggested.

Mr. Mackay: If the Minister is saying that he accepts the new clause in principle, but that his drafters and lawyers are unhappy with the term "reasonable", I confirm that—providing that something better is devised in the other place and that all my constituents who have been dispossessed of their right to sell their property will no longer be so dispossessed, and providing that conveyancing solicitors and others can advise purchasers that there is no difficulty in purchasing the property in that respect—I will withdraw the new clause today. I wait with eager anticipation a more satisfactory amendment in the other place.

Jim Knight: I am grateful and I undertake to meet the right hon. Gentleman to ensure that he is happy, before any amendment is introduced, that it represents the interests of his constituents.

I greatly enjoyed the contribution of my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry), who spoke to new clause 21. I am also a cyclist and I have struggled with my own bike on the train down to Dorset, South. When my hon. Friend chooses to come with her inner city comrades, I would be delighted to ride some of the routes of south Dorset with them. I pay tribute to my hon. Friend who, as chairman of the all-party group, has emerged as a champion for cyclists in such a short time.

I recognise the concern that it is uncertain under the new provisions whether a qualifying period of use by a bicycle would give rise to a right of way for bicycles and I appreciate that the amendment is intended to achieve that by ensuring that a bicycle falls within the definition of a non-mechanically propelled vehicle. It has always been our view that a bicycle falls within that definition. However, it may be possible to improve the drafting and my officials will enter discussions with the relevant cycling interests with a view to addressing their concerns. I will happily meet my hon. Friend to agree with her how best to resolve the matter.

That leaves me with new clause 23. Current legislation provides for trials and races on all highways except footpaths and bridleways, so cyclists can use BOATs and restricted byways under the existing terms of section 31 of the Road Traffic Act 1988. The amendment is designed to extend the possibility of authorising cycle racing on footpaths and bridleways, particularly in the town whose name I have temporarily forgotten. If I recall the hon. Member for Brecon and Radnorshire (Mr. Williams) correctly, it is a small town in his constituency.

The proposal goes well beyond what we are trying to achieve in the rights of way part of the Bill. In many ways, I fear that it has come too late for me to be able to make much progress on the matter. I presume that there is a good reason why existing legislation specifically prevents cycle racing on bridleways and footpaths. The rights of way are generally much narrower than for other categories of highway and such uses may well conflict with the interests of other rights of way users and have implications for their safety. I fear that insufficient time is left to achieve the aim properly in the remaining passage of the Bill. I would be happy to meet the hon. Member for Brecon and Radnorshire to discuss whether progress can be made on this particular issue, but I cannot be too optimistic.

Mr. Roger Williams: I thank the Minister for that offer. Bridleways are used by cyclists who have rights to use them. Indeed, bridleways can also be used for races and time trials by horses, so I do not follow the logic whereby cyclists are denied the right to use the same facilities.

Jim Knight: As I say, I shall have a chat with the hon. Gentleman to see whether anything can be done, but I advise him not to hold his breath.

As to amendments Nos. 6 and 7 and 11 to 13, clause 62 provides for the extinguishing of certain mechanically propelled vehicular rights from the date on which the provision is commenced. Amendments Nos. 6 and 7 would make the provision retrospective so that the rights would be extinguished from 19 May 2005. I have already explained that, as part of package of measures, I intend to commence the rights of way provisions as soon as possible after Royal Assent.

I hope that I have said enough to satisfy the House on this group of amendments. In the light of my assurance that, having listened to the overwhelming view of the House, we will act robustly, I hope that hon. Gentlemen will feel able to withdraw the amendments.

Mr. Paice: The hon. Member for Bassetlaw (John Mann) implied that in my reply to the debates on some of the earlier groups I had suggested that the Minister was weak. Far from it; I genuinely congratulate the Minister on his wisdom. He has addressed the Bill constructively and helpfully, as we have seen on this group of amendments, and I do not resile from those comments.

8 pm

As I said in my opening remarks, the Minister has been extremely helpful, met various special interest groups and bent over backwards to find a voluntary way forward, through the sustainable assessment process. I congratulate him on his efforts, but as I tried to explain, and as the Minister has now conceded, clearly that approach will not work. I therefore congratulate him on taking the robust stance that he has now adopted.

So many Members have spoken—Members on both sides of the House, and from constituencies in all parts of the country—that the Minister cannot be in any doubt about the strength of feeling on this issue. My right hon. Friend the Member for North-West Hampshire (Sir George Young) referred to the hidden menace of the hon. Member for Sherwood (Paddy Tipping). I too noticed that, but I still pay tribute to the hon. Gentleman for the tremendous work that he has done on this issue.

As the Minister has rightly said, the problem is that a minority—but still quite a large number—of people who use four-wheel drives and motor cycles are destroying many of our byways and making them impassable for pedestrians and horse riders. They cause all kinds of nuisance and, as the hon. Member for City of York (Hugh Bayley) said, they also cause serious noise intrusion. Would that it had been possible to find a voluntary way forward.

I tabled a variety of amendments and new clauses that we believed would address the issues. We based them largely on the advice of counsel. Clearly the Minister is not convinced, although I suspect that he has taken the legal opinion into account, because he said that if clause 62(3) could be strengthened, the Human Rights Act 1998 would not come into play. He has not explained precisely what is wrong with the wording of my amendments Nos. 12 and 13, but I accept that he intends to table something along the same lines to deal with the same issue. That is welcome.

The Minister said that he would try to ensure that commencement would be on Royal Assent or as soon as possible thereafter—and as he also said, that met with a genuinely enthusiastic response in the House. That is as it should be, because it is a considerable step forward from the position in Committee. Ideally, I would have liked commencement earlier rather than later, despite what I said before about retrospection, and our legal advice.

I am not wedded to the precise wording of new clause 4. The Minister feels that using traffic regulation orders is in some way wrong. Perhaps it is, and I look forward to what I believe he described as the aggressive statement that he proposes to make—or rather, to get someone else to make on his behalf, unless he knows something that we do not about a very quick forthcoming promotion—in the other place. If that statement does not involve TROs, there will have to be some other mechanism to deal with the 2000 or so outstanding claims; the Minister referred to the huge increase in some counties, despite the moratorium.

The Opposition are satisfied with the way in which the debate has gone. The Minister has responded, at least in rhetoric—I do not mean that as a pejorative term—in the robust way that we would wish to see. We look forward to that attitude producing amendments to the Bill. Robust statements in another place alone will not be adequate; we shall need to see chapter and verse in the Bill. I am interested to see that some Labour Members are nodding, so the Minister knows the problem that he faces. We need amendments to the Bill to deal with the 2000-odd applications. Subject to that—and we willingly accept the Minister's commitment to it—we do not wish to press the amendments at this time. Obviously, that is the outcome that the Minister desires.

Before I formally withdraw the new clause, however, as this will be my last speech on this group I want to refer to the Minister's remarks about the other two issues. I cannot speak for my right hon. Friend the Member for Bracknell (Mr. Mackay)—he has made his own remarks—but on behalf of the official Opposition, I welcome the Minister's commitment to address my right hon. Friend's concerns too. I also welcome his understanding that it is not right that somebody driving to their own house should thereby commit a criminal offence. His words seemed eminently sensible, and I accept them.

I also welcome the Minister's commitment to meet the Cyclists' Touring Club and hear about their concerns. As my right hon. Friend the Member for North-West Hampshire made clear in his capacity as patron of the all-party group, there is a real problem, and whatever the Government think that the law says, there is at least one inspector who thinks that it says something else. That is the existing law, so it needs to be addressed. The Minister is right, and I congratulate him on the way in which he has addressed the whole issue of rights of way. It is what we would have expected from a sensible Minister—[HON. MEMBERS: "And a sensible Government."] I would not go that far. I meant a sensible Minister who represents a constituency that is obviously affected by those problems. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 5

IMPORT OF EXOTIC BIRDS

'(1) The importation of any exotic bird of a species listed in Annex A and Annex B of EU Regulation 338/97 shall be prohibited unless the Secretary of State is satisfied that—

(a) the trade in that species does not constitute a threat to the conservation of that species or of any other listed species;

[Mr. Paice]

(b) the method of capture used for obtaining specimens from the wild does not involve undue suffering; and

(c) the means of transport from the place of capture into the United Kingdom shall meet such criteria for welfare as may be specified by the Secretary of State.

(2) The Secretary of State may by order extend the provisions of subsection (1) to species listed in Appendix C of EU Regulation 338/97.

(3) The Secretary of State may by order extend the provisions of subsection (1) to any other species of bird not indigenous to the UK.

(4) In this section "exotic bird"—

(a) includes any live or dead bird that is not indigenous to the United Kingdom including any egg or offspring thereof; and

(b) does not include—

(i) domestic poultry, dead sport-hunted birds, dead museum specimens, dead scientific specimens, or products manufactured from such birds; or

(ii) birds in the following families: Phasianidae, Numididae, Cracidae, Meleagrididae, Megapodiidae, Anatidae, Struthionidae, Rheidae, Dromaiinae and Gruidae.

(5) Subsection (1) shall not apply to any bird where the Secretary of State is satisfied that its importation is for the purpose of—

(a) scientific research,

(b) approved breeding programmes, or

(c) zoological display.

(6) The Secretary of State may by order make such provision as may be necessary for the implementation of this section.

(7) The power to make an order under this section is exercisable by statutory instrument.

(8) A statutory instrument containing an order under subsection (2) is subject to amendment in pursuance of a resolution of either House of Parliament.

(9) An order under subsection (3) may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of each House of Parliament.'. —*[Mr. Paice.]*

Brought up, and read the First time.

Mr. Paice: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following amendments:

No. 5, in clause 46, page 17, line 7, at end insert

'if there is evidence that the nest was constructed or used within the preceding 5 years,'.

No. 35, in page 17, line 14, at end insert—

'Owl, Barn	Tyto alba
Chough, Red-billed	Pyrrhocorax pyrrhocorax
Falcon, Peregrine	Falco pregrinus.'.

Mr. Paice: I am sorry that I was rather slow to rise to speak, Madam Deputy Speaker; I was getting carried away with my own success on the last group. We now move on to another issue. I welcome the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw) to his place; I presume that he will respond to this group of amendments, as it falls within his responsibilities.

The Government are rightly addressing several wildlife protection issues—*[Interruption.]* The Under-Secretary is looking at me somewhat askance. Clearly he will not be responding to this group; at least, if he is it will be a very interesting response, because he has just asked his fellow Minister what this group is about.

New clause 5 is about the serious issue of the import of exotic bird species. In the context of an earlier debate, my hon. Friend the Member for Uxbridge (Mr. Randall) said that he was with the birds. With this group of amendments, so am I, and so are the Opposition. I was astonished when I looked at some of the statistics, not for all types of birds but just for the species listed in CITES—the convention on international trade in endangered species. In 2001, 28,500 such exotic birds were imported into the United Kingdom, but by 2003, that figure had increased to 83,000—a threefold increase. In that year, more than 10,000 parrots were imported—a 50 per cent. increase on the previous year.

Many of those species are under threat in their natural environment, and the CITES arrangements go out of their way to protect them and require special permits for their import. That is not enough. Neither the Royal Society for the Prevention of Cruelty to Animals nor the Royal Society for the Protection of Birds believes that it is. The World Parrot Trust, a very authoritative organisation, is not against the keeping of parrots in captivity, but it believes that we need to limit imports, and strongly condemns that trade. The RSPCA estimates that the mortality rates among imported wild-caught birds could be as high as 60 per cent.

By contrast, in the UK, we do not allow commercial exploitation of our native birds. All bar a few species are protected entirely and it is an offence to catch a finch, for example. The time was when most households had a finch in a cage, but these days no native finch could be captured and kept in a cage. However, we happily allow wild-caught parrots to be imported and kept in cages. It is also clear that a huge illegal trade exists in the importation of wild-caught birds, although by its very nature exact numbers cannot be determined. I do not decry the efforts made by Revenue and Customs—as we must now call it—but seizures of such imported birds have been low. In 2001, 5,000 CITES-listed animals and birds were seized. By 2002, the number had increased to 8,600, but in 2003 it dropped to just under 3,000. I suggest that the fall does not reflect a reduction in the overall number of illegal imports.

Norman Baker (Lewes) (LD): I concur with the point that the hon. Gentleman makes about the seizures. I am concerned that the authorities do not have sufficient enforcement powers. The fines may have increased, but that is no deterrent if there is no proper enforcement. Has the hon. Gentleman noticed the increase in examples on the internet of trade in exotic birds and endangered species and does he agree that the Government should pay more attention to that issue?

Mr. Paice: Yes, and that is why I have tabled the new clause.

Mr. David Heath (Somerton and Frome) (LD): I support what the hon. Gentleman seeks to achieve, but I am puzzled by one point. I am not an ornithologist, but the exclusions in subsection (4) appear to include large families of birds, such as the pheasants, turkeys, ducks, ostriches, rheas and cranes. Why has he chosen to exclude all those birds, some of which are undoubtedly exotic birds in the UK context and not all of which are game birds?

Mr. Paice: If the hon. Gentleman will bear with me, I hope to address that issue, not least by pointing out that one would not keep an ostrich in a cage—at least, not in one's front room. That is a light-hearted point, but I will try to address the issue in a moment.

Many organisations want to see an end to this trade and most reasonable people would agree with that. Many of the species are at real risk in their native habitat. The latest World Conservation Union red list, published by BirdLife International, says that one in eight of all bird species are at real risk of becoming extinct. Of those species, 113 are directly threatened by exploitation for the caged bird trade and 57 per cent. of threatened parrot species are trapped for the trade. Those are significant figures.

The World Parrot Trust says that there are already enough individuals of each parrot species in this country to provide a viable breeding population. If people want to keep parrots—and this debate is not about the rights and wrongs of doing so—supply is available from captive-bred birds, without the need to catch more in the wild. Indeed, it can be hard to re-home parrots when owners wish to give the birds up because they cannot cope with them. Birds can change hands on average every six years and, given that they can live for 45 years, they may have several owners in that time.

I suspect that the Minister will say that the issue is a matter for the European Union. I understand that, and this is not a debate about the rights and wrongs of Europe. It is about whether we should address the very real problem of imported exotic birds, many of which come from threatened species. We have examined the experience of the United States. Its Wild Bird Conservation Act 1992 has had a dramatic effect and caused a massive drop in the volume of birds imported to the US. Through the 1980s, the US imported an average of 700,000 birds annually, of which captive-bred birds accounted for only 9 to 13 per cent. The other 90 or so per cent. were taken from the wild. By 1994, the total had fallen to 80,000, of which almost half were captive-bred. So the number of wild-caught birds legally imported into the US as a result of the 1992 Act fell from more than 600,000 to some 45,000—a huge drop in anybody's language.

Importantly, the 1992 US Act benefited legitimate bird dealers, by stemming the flood of wild-caught birds on to the American pet market. Virtually all the commercially popular exotic bird species could be bred in captivity, and the Act encouraged that. However, wild-caught birds generally cost less, because captive breeding is an expensive and labour-intensive process. By preventing the importation of the wild-caught birds, the Act shifted the demand to professional bird breeders.

8.15 pm

Perhaps even more important than the reduction in the legal trade was the huge reduction in the illegal trade, which may come as a surprise to many hon. Members. The 1992 Act effectively banned the importation of any CITES-listed bird species, with exceptions for scientific research, zoological breeding or display, approved co-operative breeding programmes and a "clean" list of species for which trade was known to consist entirely of captive-bred birds. In other words, and in answer to the question from the hon. Member for Somerton and Frome (Mr. Heath), the excluded species are not normally wild-caught birds, but captive-bred ones. Therefore, their importation does not risk the species' survival in the wild.

The new clause is not a direct copy of the US Act, but gains its basic points from it. The US Act is a good example of what can be achieved and I therefore strongly commend the new clause to the Minister.

Amendment No. 5 addresses a question that we discussed in Committee. The Minister is rightly extending protection to the nests of three species of birds. I would say native birds, but the sea eagle is not native to England at the moment. We have no pairs in this country, although we hope that they will come in from Scotland.

In Committee, we discussed the issue of how long a nest is a nest. I expressed then my concern that the in perpetuity nature of the clause, which the Minister admitted, was too long. We know that those bird species return to nests. Indeed, they may have three or four nest sites to which they return every few years or so, for sensible reasons—zoologists believe—of parasite control. However, given that it will be an offence to interfere with a nest, it is stretching a point to say that once a nest is there it should not be interfered with in perpetuity—for 10 years, 15 years or even 100 years.

If one stick remains that was once part of an eagle's nest, the Bill will mean that it should never be interfered with. I think that that goes too far. In Committee, I proposed an amendment that would have limited the period to three years, but the Minister said that that was not satisfactory. After further discussions with interested bodies, I suggest in amendment No. 5 that the period should be five years, and I hope that the Minister will reconsider. It is too much to propose that a nest should be protected in perpetuity. The Minister may disagree with my proposal of five years, but there needs to be a limit.

Mr. Randall: I rise to speak briefly to this group of amendments, and especially to my amendment No. 35. I congratulate my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) for bringing new clause 5 forward, but with all due respect to him I confess that I am not sure that this Bill is the most appropriate place for it. It is possible that his proposals would be more suited to the Animal Welfare Bill. However, this is an important matter, and there are many arguments to be made.

I agree entirely with what my hon. Friend the Member for South-East Cambridgeshire said about the CITES species, but we must be very careful, as there are more factors than he may appreciate. It may not be appropriate to discuss those factors in this debate, as

[Mr. Randall]

other matters need to be considered before the 9 o'clock guillotine but, as an ornithologist, I take slight issue with the families of birds included in new clause 5(4)(ii). I used to lead bird tours abroad in a professional capacity, and am therefore acquainted with many of the species listed in the new clause. For example, the Cracidae family includes curassows and guans, which could be caught in the forests of central and southern America. In addition, the term "turkey" covers much more than the birds with which most people are familiar, as among the wild species of turkey is the ocellated turkey of central America. Moreover, the Megapodiidae family covers the fascinating group of birds that build mounds in which to incubate their eggs. Such birds include the mallee fowl and the brush turkey.

Norman Baker: Ah, the brush turkey.

Mr. Randall: Indeed.

I am not sure that the model proposed in new clause 5 is the best way to approach this matter, but the question is worth discussing. However, quoting the American example, my hon. Friend the Member for South-East Cambridgeshire said that there had been a fall in the illegal trade in birds. I am worried that the huge amounts of money involved in the existing illegal import of CITES species of birds mean that the trade will go further undercover. The trade is not conducted by enthusiasts, as all wildlife crime is part of organised crime. Again, that may be a matter for debate at another time.

I turn now to amendment No. 5. I think that the period proposed could be a little longer than five years, and I shall be interested to hear the Minister's comments. I shall come to the list of birds contained in amendment No. 35 in a moment, but I want to take the example of the golden eagle. Those birds often have several eyries that are used intermittently—in other words, birds may return to an eyrie after a period of years. My hon. Friend the Member for South-East Cambridgeshire is right that those nests cannot be preserved in perpetuity. In the highlands and elsewhere, one is always being shown places where birds used to breed. Thankfully, some of those places are being recolonised, but it would be a mistake to keep a nest for too long a period. I do not know whether it would be better to preserve them for seven or 10 years; five years might be too short a time, but the matter is worth serious consideration.

I come now to the Bill's list of species whose nests are to be protected. As my hon. Friend the Member for South-East Cambridgeshire said, the white-tailed eagle was reintroduced into Britain but currently breeds only in Scotland, which is not covered by these proposals. I am glad that the white-tailed eagle has returned to these islands, but I do not know how soon the bird will colonise further south. As I recall, there is normally only one golden eagle nest somewhere in the Lake District, although that may vary from year to year. Osprey numbers have been increasing, and I am pleased to say that that bird is a little less uncommon than used to be the case, but none of the species that I have mentioned reflects the specifically English and Welsh nature of the Bill.

In amendment No. 35, I put forward three species that could really use protection. First of all, though, I have to point out that the amendment as printed contains an error, perhaps caused by my handwriting when I submitted my proposal. However, the scientific name of the peregrine falcon is falco peregrinus, and not falco pregrinus as printed. If the Minister rejects my amendment, it will be for that reason alone, and I will happily undertake to submit a correct version later.

The peregrine falcon is a classic example of a bird that sometimes suffers at the hands of rogue elements in the pigeon-fancying fraternity. It has been known for some people to put stones on those birds' breeding ledges, or to block them up in some way. However, the numbers of peregrine falcons have been increasing—the birds are now reported to be breeding in central London—and that caused me to wonder what would happen if protection were to be extended to those birds and then a pair were to breed on a disused building. I think that licensing by the Department, for reasons of health and safety, or for other good reasons, could then be used to allow that nest site to be dismantled.

Even people who are not ornithologists know the very popular and beautiful barn owl, which is unfortunately becoming increasingly uncommon. Barn owls sometimes nest in disused buildings, and again there may be good health and safety reasons why the owner of such a building—a farmer, for instance—might want to get rid of that building. Licences issued by the Department would have a part to play in that process, with the proviso that alternative nest sites must be provided.

The problem is that if we are not careful we could be in danger of getting rid of established nest sites. As the Minister is aware—and I think most people are aware, as is apparent when people come to me to discuss planning issues—bats are afforded some of the best protection, whether at roost sites or hibernation sites, or where they are breeding, and we should be considering giving these three species similar protection.

The third and final species on my list is the red-billed chough, which may not be well known to Members. It is a crow with a red bill and red feet. It used to be much more widespread; it is on the coat of arms of Canterbury, and Thomas Becket had it on his coat of arms. Currently its stronghold is in Wales. It is the county bird of Cornwall, although until quite recently it had not been there for a long time, but I believe that pairs have started to come back. It is an absolutely wonderful bird. It is scarce, and that is why it would be a very good thing to add it to the list.

I believe that it is the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for South Dorset (Jim Knight)—

Jim Knight *indicated dissent.*

Mr. Randall: No, it is not. Well, I was going to say that both Ministers present are generally reckoned to be very good friends of biodiversity. The Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), has just one small Achilles heel in the shape of cormorants, but I will leave that for another day and time. I urge the Government to look very seriously at the need to add these birds to the list, and I shall be very interested to hear their reply.

8.30 pm

Jim Knight: Let me clarify from the outset that I am the first ever UK Minister for biodiversity, international and national, so I am very much responsible for this area; that is why I am wearing my Countdown 2010 badge in respect of the European biodiversity target.

I very much share the intention behind new clause 5 in respect of the preservation of bird species and concern about the trade in exotic birds. Powers are already available under existing EU legislation to enable the Secretary of State to protect exotic species from the consequences of unsustainable trade and to ensure that their welfare needs are properly addressed during transportation. It is a case not of needing new legislation, but of working with Europe and other countries to better implement the convention on international trade in endangered species of wild fauna and flora, and the European regulations that flow from that.

This proposal would insert a series of additional measures that at best overlap with and at worst contradict existing measures to regulate the trade in exotic species. In our view, adoption of the proposals would insert additional complexity that would confuse traders and administrators alike, thereby undermining the effectiveness of the existing controls on the trade in exotic birds.

I appreciate that the capture and transportation of live birds in some countries leads to undue suffering, but ultimately it is for the Government of the exporting country to take the necessary corrective measures to regulate those activities. I shall look at what more we can do to encourage such action, partly to assist with curtailing the damaging illegal trade in birds, which I know is very active and which the hon. Member for South-East Cambridgeshire (Mr. Paice) talked about. I could have gone on at length, but I hope that with that brief explanation he will withdraw his amendment.

Amendment No. 5 seeks to limit the protection of nests that are reused by a limited number of birds to a period of five years from when the nest was constructed or last used. On the face of it, that appears sensible—what use is there in protecting a nest that has been abandoned and will never be used again?—but as we have heard from the hon. Member for Uxbridge (Mr. Randall), some birds, such as golden eagles, can use several nests and may return to a nest even if it looks as though it has been abandoned for some time. It is important to remember in this context that it is possible, as he said, to apply for a licence under section 16 of the Wildlife and Countryside Act 1981 if there are good reasons for removing a nest that appears to be abandoned. Each application is considered on its merits, but it allows for development if it can be demonstrated that it is necessary to remove the nest.

There is also a practical difficulty in accepting the amendment, or indeed any amendment that seeks to restrict protection to a particular period: how is it possible for an enforcement authority to know how long a particular nest has been abandoned? How do we know when to start counting? Not all nests of the birds protected by this new offence are observed all year round. I accept that there is a limited number of nests, for the reason that the hon. Member for Uxbridge gave, but not all of them are monitored all year round and there may be some difficulty in obtaining information to start the clock ticking.

Finally, amendment No. 35 seeks to add three species to the three already listed. The three species are amber listed according to the World Conservation Union guidelines and they can all be spotted in my constituency; the choughs are pretty tricky but they have been spotted in recent years. The fact that they are amber listed means that they have unfavourable conservation status within Europe. However, there are signs that their populations in England and Wales are slowly increasing—including the barn owl; in my constituency, farmers are reporting seeing more of them around, as I am sure the hon. Member for Uxbridge will be pleased to hear.

The three species proposed in the amendment return to the same nest, and will use it if it is still available. However, if it has been damaged or destroyed, they will build a nest nearby just as readily—more readily than the other three species, I am advised. As I explained in Committee, they are important species and they deserve to be protected, which is why it is already an offence to disturb them during the breeding season. I know that there are rogue elements who seek to disturb peregrine falcons, in particular, but I do not believe that it is appropriate to protect the nests of the species in the amendment all year round. To do so would require the monitoring of more than 6,000 sites, which is not realistic.

Mr. Randall: The Minister said that if the nest were destroyed, the bird would build another. The nature of the sites of their nests means that suitable habitat is often not available nearby. Breeding then fails, and the increasing populations to which the Minister referred unfortunately diminish again.

Jim Knight: Certainly, these are species that we care deeply about; we want to preserve and enhance their habitats. That is something that we will seek to do, but I am afraid that I cannot support the amendment.

Mr. Paice: As the Minister and my hon. Friend realise, I was not expecting the Minister to grab new clause 5 with both hands, unlike earlier new clauses and amendments, but it is an important issue. I am grateful for the way in which the Minister has addressed it.

Although I hear what the Minister says about believing that the new clause would work against the interests that he and I share—certainly that is not my intention—he misses the key point. The trade would basically be banned, and at present it is not banned. The purpose of new clause 5 is to ban it, with a few exceptions, which I described.

I would dread to cross swords with my hon. Friend the Member for Uxbridge (Mr. Randall) on anything ornithological. We share a concern about the illegal trade, but I urge him to look at what has happened in America. All the advice that I have received from eminent bodies such as the RSPB and the RSPCA is that the American Act, which has dramatically reduced the legal trade by effectively banning it, with a few exceptions, has also reduced dramatically the illegal trade. We share the objective and perhaps I would have shared my hon. Friend's doubts or scepticism about it had I not seen the evidence for myself.

[Mr. Paice]

On the length of time that a nest is classified as a nest, I do not dispute my hon. Friend's point that perhaps seven or 10 years would be better. He agreed with me that to protect a nest in perpetuity, which is the position at present, is perhaps wrong. I still believe that. I am sorry that the Minister seems to believe that that should be the case. I accept that one could argue that no one knows how long a nest has been in existence. I agree that the problem would get far worse if the Minister accepted my hon. Friend's amendment and that 6,000 sites would have to be monitored, but the numbers of the three birds listed in clause 46 can be counted on one or two hands. All the ornithological bodies will know when a nest was last used because every nesting site is well known, mapped, recorded and monitored, so it would not have been a huge issue to protect the sites for a specific period. Perhaps the Minister will reflect on that in another place.

I am conscious that there are other issues to debate, and I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 6

Control of Harmful, Non-Native Species

'(1) In section 22(5) of the 1981 Act (power to vary schedules), insert—

"(c) add any animals or plants to, or remove any animals or plants from Part III of that Schedule."

(2) After section 14ZB insert—

"14ZC Control of harmful non-native species

(1) Where the Secretary of State considers that a species listed in Schedule 9—

(a) is present in the wild, and

(b) is an actual or potential threat to the conservation of flora or fauna, or

(c) is an actual or potential threat to social or economic well-being

he must add it to Part III of Schedule 9.

(2) Within three months of a species being added to Part III of Schedule 9, the Secretary of State must nominate an appropriate body that within one year will produce an action plan that identifies how the species should be eradicated, controlled or contained in order to protect threatened flora, fauna, social or economic well-being.

(3) Within three months of the action plan being presented to the Secretary of State, he shall announce to Parliament how the action plan will be implemented.

(4) Pursuant to subsection (3) and in circumstances set out in subsection (5), any person authorised in writing by the Secretary of State may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter any land for the purpose of controlling, containing or eradicating a species listed in Part III of Schedule 9; but nothing in this subsection shall authorise any person to enter a dwelling.

(5) The circumstances are—

(a) that the Secretary of State is satisfied that the body nominated to implement an action plan to control or eradicate a species is unable to conclude, on reasonable terms, an agreement to access land in order for the control, containment or eradication to be effective,

(b) that the nominated body did enter into such an agreement as referred to in subsection (5)(a), but that the Secretary of State is satisfied that it has been breached in such a way that operations to control, contain or eradicate the invasive non-native species are rendered ineffective.

(6) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (5)(b) shall be referred to an arbitrator appointed by the Lord Chancellor.

(7) More than one person may be authorised for the time being under subsection (4) to enter any land.

(8) A person acting in the exercise of a power conferred by subsection (4) may—

(a) use a vehicle or a boat to enter the land;

(b) take a constable with him if he reasonably believes he is likely to be obstructed;

(c) take with him equipment or materials needed for the purpose for which he is exercising the power of entry.

(9) If in the exercise of a power conferred by subsection (4) a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.

(10) It is the duty of a relevant authority to compensate any person who has sustained damage as a result of—

(a) the exercise of a power conferred by subsection (4) by a person authorised to do so by that relevant authority, or

(b) the failure of a person so authorised to perform the duty imposed on him by subsection (9),

except where the damage is attributable to the fault of the person who sustained it; and any dispute as to a person's entitlement to compensation under this subsection or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement, by the Secretary of State.'.—*[Mr. Paice.]*

Brought up, and read the First time.

Mr. Paice: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following:

New clause 8—*Restoration Of Habitat*—

'After section 21 of the 1981 Act, insert—

"21A Restoration order where offence under section 14 is committed

(1) In addition to the penalties in section 21(4), where the operation in respect of which a person is convicted of an offence under section 14 has destroyed or damaged any flora, fauna or physiographical feature, the court by which he is convicted, in addition to dealing with him in any way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations for the purpose of restoring the habitat to its former condition as may be so specified.

(2) An order under this section made on conviction on indictment shall be treated for the purposes of sections 30 and 42(1) and (2) of the Criminal Appeal Act 1968 (effect of appeals on orders for the restitution of property) as an order for the restitution of property; and where by reason of the quashing by the Court of Appeal of a person's conviction any such order does not take effect, and on appeal to the House of Lords the conviction is restored by that House, the House may make an order under this section which could be made on his conviction by the court which convicted him.

(3) In the case of an order under this section made by a magistrates' court, the period specified in the order shall not begin to run—

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates' court; or

(b) where notice of appeal is given within the period so prescribed, until determination of the appeal.

(4) At any time before an order under this section has been complied with or fully complied with, the court by which it was made may, on the application of whom it was made, discharge or vary the order if it appears to the court that a change in circumstances has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction—

(a) to a fine not exceeding level 5 on the standard scale; and

(b) in the case of a continuing offence, to a further fine not exceeding £1000 for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the authorised body may enter the land and carry out those operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.".'.

New clause 9—*Harmful, Non-Native Species (Supplementary Provisions)*—

'(1) In section 14(1)(b) of the 1981 Act (introduction of new species etc) insert "or Part III" after "Part I".

(2) In section 14(2) of the 1981 Act (introduction of new species etc) insert "or Part III" after "Part II".

(3) After Part II of Schedule 9 of the 1981 Act (animals and plants to which section 14 applies, insert—

"PART III

Potentially invasive or damaging animals and plants not native to Great Britain to which section 14ZC applies

Duck, Ruddy	Oxyura jamaicensis
Fern, Water	Azolla filiculoides
Hogweed, Giant	Heracleum mantegazzianum
Knotweed, Japanese	Fallopia japonica
Parrot's-feather	Myriophyllum aquaticum
Pennywort, Floating	Hydrocotyle ranunculoides
Stonecrop, Australian swamp	Crassula helmsii".'.

Amendment No. 15, in clause 49, page 18, line 37, leave out from 'is' to end of line 38 and insert

'included in Part III of Schedule 9.'.

Mr. Paice: I shall try to deal briefly with new clause 6. We addressed a similar issue in Committee—or to be more precise, the Liberal Democrats did so—and it is right that it should be considered a little further. New clause 6 deals with the need to control invasive non-native species. Of course, not all non-native species are bad. I can cite species such as the rabbit, the fallow deer and the pheasant, none of which are native to this country. They have been here for hundreds of years, but they are not native and, with the possible exception of the rabbit, no one would argue that they were bad. There are many other examples.

New clause 6(2) relates to situations where there

"is an actual or potential threat to the conservation of flora or fauna".

There are certain examples where that is clearly an issue. Interestingly and very topically, the ruddy duck has been mentioned in today's paper. The north American ruddy duck, which was originally introduced to Britain, is now to be culled in Spain because it has flown there and mated with a local species, producing a hybrid that threatens the original. That is a clear example of an invasive non-native species causing a problem.

Jim Knight: I wish to advise the hon. Gentleman and the House that, if there is time for me to contribute to the debate, I should like to make an announcement on the ruddy duck.

Mr. Paice: I look forward to that announcement, and I certainly do not intend to take many minutes. I want to hear the Minister's announcement.

Other species are listed in new clause 9, to which I could add the signal crayfish, which is destroying our native crayfish in many of our waterways, including those in south Dorset, and, of course, the grey squirrel.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Tree rats.

Mr. Paice: The Minister is right: they are rats with fluffy tails. I am sure that, if we spoke to people walking across St. James's park or Green park, they would all think that they were lovely animals, but they cause immense damage to our trees, our forestry and, most importantly, to our beloved red squirrel. They are an immense problem. I shall not detain the House by quoting all the accounts of the problems that they cause, such as the damage to woodland, the competition with bats for roost sites and with birds for resources—food and nesting sites—the predation of birds' nests and, most importantly, the competition with the red squirrel. There is a belief that they may well spread disease to the red squirrel, and there has not yet been enough research into whether the grey squirrel is spreading the squirrel pox virus to our red squirrels.

The Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw) said quite clearly in July last year that the Forestry Commission is engaged in the preparation of a policy statement on grey squirrels. I am told that that policy statement is due by the end of 2005. I hope that that is the case, but that is still a very long time. The Minister is looking somewhat doubtful about whether it will be produced even then. I hope that he will not delay it further.

New clause 6 would require the Secretary of State to tell Parliament how such an action plan would be implemented. We need more than simply an action plan. It is all very well to talk, as I am doing now, about the seriousness of the problems caused by the grey squirrel and those other species to our natural flora and fauna and the threat that they represent to red squirrels and other aspects of our natural environment, but we must do something about it. There is a common belief in the country that the Forestry Commission is dragging its heels. By its nature, the commission has a huge impact on the grey squirrel because it owns so much of our woodland and forestry. So whatever action it takes is central to controlling that species. If the commission is dragging its heels, as is widely believed and often reported in a number of different professional journals, that is not good news.

My purpose in speaking to new clause 6 is to encourage the Government to look again at what is going on with invasive species that can damage native

[Mr. Paice]

flora and fauna. In particular, how will the Government turn policy and proposals into action? I remind them that 30 or 40 years ago we had an excellent rabbit clearance policy—although now we might say that it has not worked. More recently, we eliminated the coypu, which was doing huge damage to parts of the country. It is probably unrealistic to expect us to eradicate the grey squirrel, unfortunately. I agree entirely with the Minister about that. I suspect that if we advocated such a course we should bring the wrath of some members of the community down on our heads. However, the grey squirrel needs to be seriously controlled, especially outside urban areas where it does so much damage. New clause 6 would address that problem and turn policy into action. I commend it to the House.

8.45 pm

Norman Baker: I shall be brief, as I am keen that we should have at least a couple of minutes on new clause 22.

As the hon. Member for South-East Cambridgeshire (Mr. Paice) said, my colleagues raised the issue of invasive non-native species in Committee and I raised it privately with the Minister before the Bill was produced. I welcome the steps that the Government have taken to try to close the stable door, although I should be keener if they had tried to catch some of the horses that escaped before they undertook that move. That is my concern.

The Government have expressed worry about the matter over many years. Indeed, my colleague, my hon. Friend the Member for Somerton and Frome (Mr. Heath), reminded me that the Government made a pledge, or at least something akin to a pledge, during the passage of the Countryside and Rights of Way Act 2000, that they would deal with non-native invasive species, but we have not heard much about that since then. We are looking for progress, but we have not yet seen it.

In Committee, the Minister made a point that I hope he will be able to pick up. He said that his colleague, the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), intended to establish

"a programme board to oversee the implementation of non-native species policy across Government. The Department has allocated funds for the purpose and I expect the board to meet for the first time in the late summer."—[*Official Report, Standing Committee A*, 28 June 2005; c. 213.]

I presume that the board has met and that we can hear about its achievements so far. We want the Government to put into action what they believe, as we do—that non-native invasive species need to be dealt with.

The matter is urgent. For example, Japanese knotweed is not only deeply invasive and spreading rapidly but, as the Minister knows, when it is flailed it spreads even more quickly. People do not know that and many highways authorities are merrily causing Japanese knotweed to spread across the country. It is important to deal with species that are already present, but I see no action from the Government to do that, so I hope that the Minister can say something tonight to give us confidence that the issue will be dealt with once and for all.

Jim Knight: As the amendments have a common purpose, I shall address them together. I share the desire expressed by hon. Members on both sides of the House to deal effectively with non-native invasive species. However, the amendments would result in considerable changes both to provisions in the Bill and to those already set out in the Wildlife and Countryside Act 1981.

New clause 8 would deal with one of the problems caused by invasive non-native species to secure restoration of habitat to its former condition where damage has been caused by the release of a non-native species. Amendment No. 15 would restrict application and we have already heard what new clauses 6 and 9 would do.

The amendments are almost identical to a package of amendments that the hon. Member for South-East Cornwall (Mr. Breed) introduced in Committee and then withdrew. My response is similar. I am of the opinion that a comprehensive package of legislation on policy on non-native species is necessary. We consulted on some of the essential elements and have received a range of constructive responses, which we shall need to consider and develop over the coming months, but as a matter of urgency. However, it would be wrong to rush into legislation simply because an apparently convenient vehicle presents itself. We have to assess overall needs properly and take full account of implications and concerns, including resource needs. Equally, it would be wrong to think that we are not taking seriously the problems caused by non-native species. I assure the hon. Member for Lewes (Norman Baker) that we recently established the programme board, which is responsible for ensuring that action across Government and their agencies is joined up effectively.

Norman Baker: The Minister does not want to use this vehicle, which he regards as convenient, because it may not be the right one. I understand that as a principle, but the trouble is that another vehicle may not come along for some time. He may reach conclusions in the spring, but the Bill will have been passed and we shall wait a long time for another DEFRA Bill that can deal with the issue. That is the urgency.

Jim Knight: I understand the urgency but, equally, we must get things right. The first meeting of the programme board was held on 12 September, and it was attended by senior policy officials representing a range of Government agencies. I look forward to working with them on this issue. We have also published on our website a report of the risk assessment research and we are actively engaged in ensuring that it is rigorously tested by peer review to enable us to identify at an early stage new species that are likely to become problematic.

As regards some of the species mentioned by the hon. Member for South-East Cambridgeshire (Mr. Paice), the EU recently confirmed that it is offering funding to help to support a programme of work to help to eradicate the ruddy duck from the UK. I can confirm to the House that DEFRA will provide the match funding and that the programme to deal with the species will proceed. This programme of work has been developed on the basis of extensive research and a cost-benefit analysis, unlike the case for some of the other species listed in the new clause.

For example, I know that Japanese knotweed is of great concern, and DEFRA is co-funding a five-year research project led by Cornwall county council into a natural method of control. I have to advise Liberal Democrat Members that removing Japanese knotweed from the UK using conventional methods would cost £1.56 million, a disproportionate amount of public expenditure. In fact, I believe that the real figure is £1.56 billion. Happily, I am sufficiently awake to correct even my own notes. We should not overlook the enhanced capacity of Natural England to manage non-native species in a co-ordinated way.

I take seriously the problems caused by grey squirrels, and I am considering the issue. The Forestry Commission is doing good work to protect red squirrels and one can come to Brownsea island in my constituency to see them there.

There are a number of other measures arising from the consultation on the review of the 1981 Act that we will want to take forward, using primary or secondary legislation as appropriate. I can make that commitment to the hon. Member for Lewes. This measure should be part of that further work.

I hope that hon. Members will regard that as an indication that we are making progress and not as simply an attempt to shelve this important subject. I ask them to withdraw the motion and support us when we introduce the legislation to which I have just referred.

Mr. Paice: Again, I did not really expect the Minister to change the stance that he took in Committee. He clearly understands the import of what the new clauses and amendments are trying to achieve and far be it for me to suggest that a more complicated set of arrangements is desirable. We want to simplify government, not complicate it.

There are real issues, however. I am pleased to hear what the Minister said about the ruddy duck, and I am pleased that I gave him the opportunity to make that announcement to the House. I am not sure that it would have justified a full statement at 3.30 pm, but he has made the announcement on Report and I am glad that we gave him the chance to do so.

I was also interested in the Minister's comments on the grey squirrel. There is a real problem. Even though I know that the red squirrel has a small nucleus on Brownsea island—long may that continue—I would like to see it spread beyond there, but he is aware that there are not many other such nuclei. There is one in Thetford forest, but most of the rest are in the constituency of my hon. Friend the Member for Hexham (Mr. Atkinson) or perhaps in Cumbria.

The Minister referred to the EU's role in respect of the ruddy duck, but I am sure that he is aware that there is also an EU squirrel initiative. There is widespread concern in many countries in Europe about the damage that the grey squirrel causes and I hope that he will use his role as the Minister responsible for biodiversity to look into the issue more carefully and into the help that the EU can give us to reduce the damage that the grey squirrel causes.

In the light of those remarks, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 22

Review of Continued Existence of Commission for Rural Communities

"The Secretary of State shall, five years after the establishment of the Commission, conduct a review of it with a view to deciding whether its responsibilities should be transferred to the appropriate local authorities.'. —*[Mr. Breed.]*

Brought up, and read the First time.

Mr. Breed: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss amendment No. 3, in clause 19, page 7, line 29, after 'making', insert 'and publishing'.

Mr. Breed: The new clause seeks to readdress the situation that we spent some time considering in Committee. The Commission for Rural Communities is another example of the invasive species known as quango, the numbers of which we would very much like to reduce if not eradicate totally. I do not wish to go through all the arguments that we advanced in Committee, save to say that they all still stand up.

I am grateful to the Commission for Rural Communities for providing us with a very glossy document. One might have assumed that the commission had not yet been set up, given that we are still discussing the Bill, but the front cover of the document neatly states that the commission is currently a division of the Countryside Agency. I am grateful to the person who sent me the document because it demonstrates that there is no necessity for a CRC in the first place.

The document's foreword says:

"There has been an enthusiastic response from organisations across the country to our ... major thematic study".

One could thus conclude that a huge number of responses was received. However, we then find out that only 60 responses by e-mail and post to this major survey were received from all the stakeholders—national and regional organisations, local authorities and interest and consumer groups—who were contacted. Such widespread support for the organisation demonstrates why we do not think that it is entirely necessary. Nearly a third of the responses were from local authorities, which we believe are the most relevant organisations to deal with the roles and responsibilities of the CRC, so only about 35 or 40 other organisations bothered to respond.

What were the commission's astonishing conclusions? It identified several policy initiatives that would benefit from examination—they may astound us all. It said that an important issue was access and service provision—well, we would not have thought that in rural areas. It found that planning and housing were a problem, which I suspect will be a revelation to every council in the country. It concluded that identifying and targeting dispersed rural disadvantage would benefit from examination, but I would be amazed if we did not all accept that. Apparently, funding is a real problem for rural areas.

If the CRC had any relevance at all, it would not have put the document in our hands at this time because it adequately demonstrates that the commission can

[Mr. Breed]

undertake no role that could not be performed by local authorities. It is the rump of the Countryside Agency, and Lord Haskins pointed out in his report that the Countryside Agency was not required and could easily be abolished, with its roles and responsibilities divided between DEFRA and local authorities.

Mr. Oliver Letwin (West Dorset) (Con): Will the hon. Gentleman give way?

Mr. Breed: I am sorry, but I want to give the Minister at least one minute to respond. [HON. MEMBERS: "Go on."] I shall give way in a moment.

New clause 22 would give the commission five years, but I hope that such a provision will not be needed. I hope that the commission will fail completely and thus not last five years or that, in the unlikely event that it is an astounding success, we will not need to review the situation.

Mr. Letwin: I merely wanted to tell the hon. Gentleman that everything that he said was music to our ears.

Mr. Breed: I hope that hon. Members will support new clause 22.

Jim Knight: I am familiar with disappointing yellow documents, but the CRC is doing a fantastic job as a rural champion. Anyone who has read the state of the countryside report will know that important work is going on in terms of the evidence base. In particular, I pay tribute to the rural advocate, Stuart Burgess, who needs to continue his work. I find it astonishing that parties with reasonable representation in rural areas do not want an independent rural advocate for England.

I ask the House to reject the amendments. They do not add anything. There is a confusion in the mind of the hon. Member for South-East Cornwall (Mr. Breed), who seems to believe that the CRC is a delivery body. It is a watchdog, and it is important that a watchdog looks over rural and semi-rural local authorities to ensure that they act in the best interests of sparsely populated areas, such as the one that he represents.

Question put, That the clause be read a Second time:—

The House divided: Ayes 144, Noes 278.

Division No. 62] **[9 pm**

AYES

Afriyie, Adam
Alexander, Danny
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barnett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Breed, Mr. Colin
Brooke, Annette
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, Philip
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Mr. Michael
Fallon, Tim
Field, Mr. Mark
Fox, Dr. Liam
Fraser, Mr. Christopher
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hoban, Mr. Mark
Holloway, Mr. Adam
Holmes, Paul
Horwood, Mr. Martin
Howarth, David
Howarth, Mr. Gerald
Hulme, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Laing, Mrs. Eleanor
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Moore, Mr. Michael
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborn, Mr. Mark
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Price, Adam
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Simpson, David
Smith, Sir Robert
Spink, Bob
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Roger Williams and
Richard Younger-Ross

NOES

Abbott, Ms Diane
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn

Brown, Mr. Russell
Browne, rh Mr. Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byrne, Mr. Liam
Caims, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Clwyd, rh Ann
Cosker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gapes, Mike
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Ilsley, Mr. Eric
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riorden, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Russell, Christine
Ryan, Joan
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Gillian Merron and
Mr. Frank Roy

Question accordingly negatived.

It being after nine o'clock, MADAM DEPUTY SPEAKER *proceeded to put the Questions necessary to dispose of the business to be concluded at that hour, pursuant to Order [6 June].*

Clause 15

GUIDANCE

Amendment made: No. 17, in page 6, line 25, at end insert—

'( ) The power to give guidance under this section includes power to vary or revoke it.'.—*[Jim Knight.]*

Clause 38

DIRECTIONS

Amendment made: No. 18, in page 13, line 14, at end insert—

'( ) Before giving any directions under this section, the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.'.—*[Jim Knight.]*

Clause 70

AGREEMENT BETWEEN A MINISTER AND A DESIGNATED BODY

Amendment made: No. 19, in page 28, line 20, leave out clause 70—*[Jim Knight.]*

Clause 71

AGREEMENT BETWEEN THE SECRETARY OF STATE AND NON-DESIGNATED BODY

Amendment made: No. 20, in page 29, line 1, leave out clause 71—*[Jim Knight.]*

Clause 72

AGREEMENT BETWEEN DESIGNATED BODY AND ANOTHER BODY

Amendment made: No. 21, in page 29, line 17, leave out clause 72—*[Jim Knight.]*

Clause 73

ELIGIBLE FUNCTIONS

Amendment made: No. 22, in page 30, line 3, leave out clause 73—*[Jim Knight.]*

Clause 74

MAXIMUM DURATION OF AGREEMENT

Amendment made: No. 23, in page 30, line 32, leave out clause 74—*[Jim Knight.]*

Clause 75

POWERS OF BODIES AUTHORISED TO PERFORM FUNCTIONS

Amendment made: No. 24, in page 30, line 36, leave out clause 75—*[Jim Knight.]*

Clause 76

SUPPLEMENTARY PROVISIONS WITH RESPECT TO AGREEMENTS

Amendment made: No. 25, in page 31, line 12, leave out clause 76—*[Jim Knight.]*

Clause 77

INTERPRETATION

Amendment made: No. 26, in page 31, line 33, leave out clause 77—*[Jim Knight.]*

Clause 89

FINANCIAL ASSISTANCE

Amendments made: No. 27, in page 37, line 5, after 'matter', insert 'related to or'.

No. 28, in page 37, line 14, after 'by', insert 'or through'.—*[Jim Knight.]*

Schedule 4

JOINT NATURE CONSERVATION COMMITTEE

Amendment made: No. 29, in page 52, line 6, at end insert—

'( ) Before appointing any members under paragraph 1(1), the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.'.—*[Jim Knight.]*

Schedule 5

ENFORCEMENT POWERS IN CONNECTIONS WITH WILDLIFE

Amendment made: No. 30, in page 58, line 15, after '(2)' insert '—

(a) after "is committing" insert "or has committed" and

(b) .'.—*[Jim Knight.]*

Schedule 7

DESIGNATED BODIES

Amendments made: No. 31, in page 63, line 21, at end insert—

' A local authority (as defined by section (Interpretation)).

A National Park authority established for a National Park in England.'.

No. 32, in page 63, line 30, at end insert—

' The Historic Buildings and Monuments Commission for England.'.

No. 33, in page 64, leave out line 1.—*[Jim Knight.]*

Schedule 11

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendment made: No. 34, in page 69, line 13, leave out from 'if' to end of line 21 and insert—

', for the purposes of an agreement under Chapter 1 of Part 8 of the Natural Environment and Rural Communities Act 2005 (agreements with designated bodies), references to an officer of the appropriate Minister authorised by general or special directions given by him were references to a person authorised by the appropriate Minister by general or special directions given by him.".'.—*[Jim Knight.]*

Order for Third Reading read.—[Queen's consent, on behalf of the Crown, and Prince of Wales's consent, on behalf of the Duchy of Cornwall, signified.]

9.13 pm

Jim Knight: I beg to move, That the Bill be now read the Third time.

It has given me great pleasure to introduce the Bill and take it through the House. It lays the foundations for a more holistic and, I believe, more effective approach aimed at ensuring a high-quality natural environment and thriving rural communities. It has had an interesting and fairly rapid journey from its publication in draft in February this year to its Third Reading today. For the most part, it has been a fairly smooth process, for which I thank Members on both sides of the House, particularly the hon. Members for South-East Cambridgeshire (Mr. Paice) and for South-East Cornwall (Mr. Breed), who led for the Conservatives and the Liberal Democrats respectively. I enjoyed working with them on a constructive basis. We

engaged in extensive pre-legislative scrutiny, debate and dialogue, which has helped to shape our approach to the Bill. I am grateful, not least to Lord Haskins, who undertook much public consultation and dialogue before producing the report on which we drew in framing the Bill, and the previous Environment, Food and Rural Affairs Committee, which carried out formal pre-legislative scrutiny of the Bill, as well as scrutiny of the rural strategy itself. I must also give special mention to Lord Whitty, the former Bill Minister, from whom I took over the lead on the Bill in May.

I confess to being daunted by the prospect of taking such an important Bill through the Commons so early in my ministerial career. In fact, the Bill was the first Bill to receive a Second Reading in this Parliament. I was, however, pleasantly surprised by the constructive cross-party spirit in which the Bill was scrutinised, and impressed by the probing questions posed by members of all parties, all of whom had clearly given much thought to the issues.

On Second Reading, we heard a number of maiden speeches. I am delighted that some of those who made them stayed with us in Committee, even if they have been unable to stay until Third Reading. *[Interruption.]* I beg the pardon of the hon. Member for Scarborough and Whitby (Mr. Goodwill), who I recall made a very good maiden speech on Second Reading and who is here now.

Having faced a Standing Committee for the first time as a Minister, I have great respect for the rigour of the process. The amendments that I have moved today reflect points raised in Committee, and, as I have said today, I am still considering some of the points raised then. I will listen carefully to the arguments advanced in the other place, while also reflecting on those advanced this evening, and expect the Government to table Lords amendments.

I especially thank the right hon. Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Rossendale and Darwen (Janet Anderson) for chairing our Committee proceedings so ably. I also thank all who have spoken today.

The context of the Bill is the vision of rural England set out less than a year ago in the Government's rural strategy. It is a vision of a better quality of life for all, with particular emphasis on improving the quality of life for the most disadvantaged; a vision of a conserved and enhanced environment that everyone can enjoy and from which everyone can benefit; a vision at whose heart is the pursuit of sustainable development, so that social, economic and environmental issues are taken into account in the shaping of policy.

The Bill will establish Natural England, a new agency that will act as an independent and powerful guardian of our natural environment. For people in rural areas, it will establish the commission for rural communities, a strong, independent rural advocate, adviser and watchdog. It will also implement a number of important improvements to wildlife, national parks and rights of way legislation, all of which follow lengthy consultation. Let me give just a few examples. There is a package of amendments to the Wildlife and Countryside Act 1981, intended to improve protection for native animal and plant species, and a new provision on the possession of pesticides designed to help prevent their abuse for the killing of wild birds and animals.

The main public interest, of course, has related to the rights of way provisions. The Bill places important limits on the establishment of rights of way for mechanically propelled vehicles by limiting vehicular rights that can be recorded on local authorities' definitive maps and statements. The package curtailing historic rights, clarifying the use of TROs and extending powers to national parks authorities, and the commencement of the provisions as soon as possible, will—I hope—resolve the difficult and growing problem of damage to our historic trails.

I commend the Bill. It is better for land managers, good for rural communities, and great for the environment.

9.18 pm

Mr. Letwin: I echo the Minister's thanks on behalf of the Opposition. I thank him for the constructive spirit in which he has approached the Bill. I also thank our Liberal Democrat colleagues, and above all I thank my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice), who has borne the heat of the day for the official Opposition.

What we have seen today represents the House at its best. As I said on Second Reading, we embarked on the Bill with severe reservations about the creation of Natural England without an adequate understanding of the relationship between it and the Environment Agency. While those doubts remain in our minds—we shall see whether they prove justified; I hope that they will not—we also approached the Bill with great concerns about some detailed points. Many were cleared up in Committee, which is indeed the work of Committees, but some remained. The principal ones related to byways open to all traffic—BOATs—which we debated this evening.

The Minister has done a fine job in doing what Ministers are meant to do when Parliament, across parties, raises a set of serious, practical issues following inspection of a Bill. He has offered to amend the Bill. We shall obviously hold him to that. We shall see whether the Lords amendments are adequate to the task, and I assure him that if we think they are not, we shall produce our own. I have every confidence that their Lordships would then pass what they would need to pass to ensure that what the Minister seeks to achieve, and what we seek to achieve, is achieved. But it may well be that the Minister's own amendments will achieve those aims—I hope that they do—and if so, I repeat my comment: Hallelujah!

Before I close, I want briefly to mention two very important amendments that we did not have time to debate this evening, despite the fact that—in keeping with the arcana of parliamentary procedure—they are labelled amendments Nos. 1 and 2. The first amendment deals with the need for Natural England to work with local organisations and businesses. I hope that the House of Lords will have time to investigate that issue in considerably greater depth, and to ensure that such co-operation takes place. But the more important amendment is amendment No. 2, which would ensure that

"where there is irreconcilable conflict between aspects of"

Natural England's

"functions priority is given to the conservation of the natural environment."

[Mr. Letwin]

That is a point about which we feel very strongly. We continue to believe that there is a significant risk that a body known as Natural England will not focus exclusively—or even with absolute priority—on the preservation of natural England. That would be not only an irony but to the great detriment of the preservation of our countryside.

The Minister will recognise that the point we are making in the amendment has a long genesis, and that many of the most serious, careful and powerful of this country's environmental lobby groups share our view that such a provision is needed in the Bill. I am sure that—

Madam Deputy Speaker (Sylvia Heal): Order. I wonder whether I might remind the right hon. Gentleman that on Third Reading, we should not be discussing amendments that were not reached.

Mr. Letwin: I was astonished as I proceeded, Madam Deputy Speaker, at the generosity of your attitude to my remarks. I of course accept your point, and I merely mention that this issue will come up in the other place, and that we shall see where we get to.

I am sure that this Bill is a better Bill as a result of the work of the House of Commons. I say at the end what I said at the beginning: that this has been a good example of a competent Minister working hard, listening to the House and responding constructively. I thank him for that.

Norman Baker: I am happy to concur with those remarks and I begin by thanking my hon. Friend the Member for South-East Cornwall (Mr. Breed), who did the brunt of the work for my party in Committee. Even though I have been at some distance from the Bill, I recognise that it has improved, and it has improved because the Minister and his colleagues have been prepared to listen to reason and to amend it accordingly. He began that process before the Bill was even discussed on Second Reading by inviting me and others to discuss matters with him and to raise points of concern. He listened to those concerns, and it is clear that he has been prepared to move when presented with logical arguments.

That process continues today, and I say to the Minister genuinely that when a Minister is prepared to listen and to amend legislation, it is the sign of a strong Minister, not a weak one. Such behaviour is of great credit to him, and it reflects better on his Government and his party than does insisting that everything is all right and ruling all amendments out of court, as unfortunately happens with some other Bills and Ministers. Some of his colleagues would do well to reflect on the way in which he has conducted himself during this Bill's passage, because it has meant a better Bill, more respect for the House of Commons and more credit to his Government. I leave him with that tribute, and I hope that other Ministers will reflect on his style and see whether it can be rolled out elsewhere. In fact, I look forward to its being emulated by the hon. Member for Exeter (Mr. Bradshaw) when we discuss the Bill on animal welfare shortly. *[Interruption.]* I am sure that our discussions will be easy, given good will.

We have always been content with the Bill in principle, and the idea of creating Natural England is reasonably non-contentious. Issues have arisen, as the right hon. Member for West Dorset (Mr. Letwin) rightly said, and some remain. But the Bill is undoubtedly better now, and it is right to deal with issues such as native non-invasive species and pesticide abuse. The Minister has a blind spot about the rather pointless Commission for Rural Communities, but we will leave that to one side in the spirit of co-operation. We look forward to the Bill going into the Lords, where we will work constructively with both sides to try to ensure that further improvements are made. I am confident that with goodwill on all sides that will be achieved. I thank all those who have taken part in the process including other Lib Dem colleagues who participated and all the Clerks and officials.

9.25 pm

Paddy Tipping: I had intended to make some short comments, but those who must be obeyed have suggested that I talk for rather longer than I had anticipated. The Minister will soon perceive that that is to be the case.

Mr. Gerald Howarth (Aldershot) (Con): May I remind the hon. Gentleman that as I have the Adjournment debate it would be kind if he left me a smidgeon longer than I might otherwise have had?

Paddy Tipping: I was hoping to offer the hon. Gentleman the opportunity of having a Minister to listen to his debate and respond to it. I am sure that the Minister's appearance is keenly awaited as we speak.

Madam Deputy Speaker: Order. I remind right hon. and hon. Members that we are now on the Third Reading of the Bill.

Paddy Tipping: Let me come directly to the points that I wished to make. The Bill has been improved in a number of ways. First, as the Minister said, it has had the benefit of pre-legislative scrutiny and the Government's rural delivery strategy. The Bill went before the Environment, Food and Rural Affairs Committee and the opportunity to tease out those issues in a pre-legislative Committee has proved extremely valuable. Interestingly, part 6—the rights of way legislation—was not subject to such scrutiny; perhaps there is a lesson to be learned there.

Jim Knight: For fear of this becoming a love-in, let me take the opportunity of paying tribute to my hon. Friend the Member for Sherwood for his extraordinary role and the stamp that he has put on the Bill, not only through the pre-legislative process, but on part 6, in which he has taken a leading role in Committee and this evening. I genuinely thank him for that.

Paddy Tipping: Let me continue the love-in. The second way in which the Bill has been improved is by the Minister and his team of officials. There were good debates in Committee that ranged across the parties and there has been a lot of consensus. As my hon. Friend the Member for Bassetlaw (John Mann) said, it is a strong Minister who can make changes. I have been impressed

with the willingness of the Minister to put his stamp on the Bill, to take further advice, to have discussions with officials and to bring forward new proposals. I am grateful to him for doing that and for meeting a range of outside organisations who clearly have seen the importance of the Bill and wanted to contribute to it. We ought to thank them for their contribution.

I also want to thank another group of people who have not been mentioned. The Bill changes the way in which the Government work in rural areas. I have a great deal of admiration for the staff at English Heritage, the Countryside Agency and the Rural Development Service who have faced major changes and difficulties and have had to keep working while the organisations have been moving around them. We need to thank them. Natural England has a new base in Sheffield and I understand that interviews have taken place for its chairman. I do not think that an announcement has been made, but one is anticipated fairly soon. Although there are reservations about the new bodies, I am sure that we would all wish them well. What we all want across the House is to see a way of government working with rural communities that looks after and enhances the environment, creates economic development and brings about beneficial social change. Those are hard tasks to meet, but I believe that the Bill's infrastructure provides us with the opportunity to do just that.

9.31 pm

Mr. Roger Williams: It has been a great pleasure to be involved with the Bill. We have a duty to preserve and protect the environment, particularly the rural environment that we inherited from our forefathers. Some of us who have had the benefit of holidaying in foreign climes have been impressed by what we saw: we enjoyed the experience, but coming back and driving through England and Wales, as I did last Friday in lovely autumn weather, allows us to appreciate the real jewel that we possess. We have a duty to preserve it and should devote our energies to doing so.

I want to make a point about devolution. The environment is certainly something that cannot be put into separate compartments. My strong aspiration is for devolution, not separation and isolation. People need to devise good solutions that are appropriate to their particular area. They should then be generous in sharing and extending good practice. The environment cannot be separated in any way and we cannot do good work unless we co-operate. Some Government amendments encourage me to believe that the necessary work can take place. Consultation with the devolved assemblies in respect of policy and the appointment of members will help to accomplish that.

I wish that all Ministers were as understanding of devolution issues as the present Minister has proved to be. He needed a little bit of encouragement and prompting from time to time, but he has helped us to produce a Bill that is a lot better than it was initially, and I thank the Minister for that.

9.32 pm

Jim Knight: Madam Deputy Speaker, I do not believe that I have much more to add, except to say that I intended to thank my team of officials, who have proved invaluable as the Bill proceeded, at the end of the Committee stage. I intended to thank them at the start of Third Reading, but I take the opportunity now to thank them very much for their support. Perhaps some refreshment will follow shortly.

Question put and agreed to.

Bill read the Third time, and passed.

NATIONAL LOTTERY BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A (6) (Programme motions),

That the Order of 14th June 2005 relating to the National Lottery Bill (Programme) be varied by the substitution in paragraph 2 of "Thursday 3rd November" for "Thursday 20th October".—*[Mr. Watson.]*

Question agreed to.

IMMIGRATION, ASYLUM AND NATIONALITY BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A (6) (Programme motions),

That the Order of 5th July 2005 relating to the Immigration, Asylum and Nationality Bill (Programme) be varied by the substitution in paragraph 2 of "Thursday 27th October" for "Tuesday 25th October".—*[Mr. Watson.]*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

LICENSING ACT 2003 (SECOND APPOINTED DAY)

That the Licensing Act 2003 (Second appointed day) Order 2005, (S.I. 2091), dated the 29th July 2005, be referred to a Standing Committee on Delegated Legislation.—*[Mr. Watson.]*

PETITION

Town Council for Canvey Island

9.34 pm

Bob Spink (Castle Point) (Con): On the question whether Canvey Island should have its own town council, I take the view that people should have the maximum amount of information about the costs and benefits of a town council and what it could do. That should enable people to take their own decision. With a petition of more than 3,500 signatures and on the basis of my mailbox, it is clear that the people want a town council.

It is not for politicians to dictate to the people how they should be represented. It is for the people to decide and for politicians to deliver. That is democracy and politicians must respect the decisions of the people, whether or not they like them. I trust that the borough council will listen to the voice of Canvey people and deliver to them a council that has decent powers such as the management of halls and toilets, planning, pushing for our third road, and other things that really matter to us.

[Bob Spink]

The petition states:

To the Honourable The Commons of United Kingdom, Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of Len Barge, Lionel Hart, Albert Payne, Irene Willis, and others of like disposition sheweth

That there is considerable public support for a Town Council for Canvey Island as illustrated by the petition calling for this signed by thousands of Canvey residents and presented to Castle Point Borough Council. And that the people of Canvey Island have been made aware of the potential costs and benefits of such a council and that there is widespread popular support for Canvey to have its own dedicated voice.

Wherefore your Petitioners pray that your Honourable House shall urge Castle Point Borough Councillors to support a Town Council for Canvey and shall implore the Deputy Prime Minister to look favourably upon this initiative and to do so as quickly as possible so Canvey can have its Town Council by 2007.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the table.

Civil Aviation Authority

Motion made, and Question proposed, That this House do now adjourn.— *[Mr. Watson.]*

9.36 pm

Mr. Gerald Howarth (Aldershot) (Con): I am delighted to have the opportunity to conduct this debate in a slightly less compressed time scale than might have been the case. I am sure that the Minister will be pleased to pay tribute to her hon. Friend the Member for Sherwood (Paddy Tipping), who ensured that she would have time to get here at this rather earlier hour than we had all anticipated. However, I do not intend to drag out the process, and will still compress my remarks as much as I can.

May I first declare a personal interest? I am a lifelong aviator and currently hold a pilot's licence, so I would be subject to any increased costs proposed by the Civil Aviation Authority. I am also president of the Air Display Association Europe, which represents the interests of those who organise air displays both in the United Kingdom and on the continent.

Aviation is the second most popular outdoor spectator sport in the United Kingdom. Many people will have witnessed magnificent air displays by both vintage and modern aircraft, including the enduringly iconic displays by the Spitfire and the Hurricane to mark the 65th anniversary of the battle of Britain last month—not to mention the B-17 Flying Fortress, which was grounded by a ridiculous European Union directive that placed it in the same category as a passenger-carrying Boeing 737, thus increasing its insurance costs by a massive £25,000.

I hope that between now and next summer, when the display season starts again, action will have been taken to knock some sense into the EU bureaucrats so that the Sally B can entertain people throughout the country next summer. The chairman of the Civil Aviation Authority, Sir Roy McNulty, is very much on side and has done his best to try to knock some sense into the EU people. I know that the Minister is on side too, and I hope that together we can ensure that Elly Sallingboe and her magnificent B-17 Flying Fortress team will be able to entertain the crowds next year.

I am also privileged to represent Farnborough, the birthplace of British aviation—the site from which, on 16 October 1908, the first sustained powered flight in the United Kingdom took place. It is today the home of the internationally renowned Farnborough international air show and the base of BAE Systems, the world's fourth largest defence contractor.

I sought the debate to draw attention to the risk posed to general aviation—the operators of light aircraft and their associated industries—by the CAA's proposed new regulatory charging regime. I recognise that those of us who fly are a minority, and that more time is devoted to airing the grievances of those disturbed by the noise of aeroplanes. However, general aviation makes an important contribution to the life of our country and its voice has seldom been heard in this House.

As the Minister heard during the debate on the Civil Aviation Bill last night, three current Members are licensed aviators. One is the Deputy Leader of the

House of Commons, the hon. Member for Edinburgh, South (Nigel Griffiths), to whom I pay warm tribute for undertaking helicopter flying training while a Minister. He secured his helicopter licence and is now a fully qualified helicopter pilot. The hon. Member for Montgomeryshire (Lembit Öpik) flies twin-engined aircraft, and I fly light aircraft and indulge in occasional aerobatics. I would of course be delighted to take the Minister up at some point, should she have the stomach for it.

We three Members represent all three main political parties and we are joined, from the other place, by Lords Goschen, Rotherwick, Trefgarne and Stevens, the latter being the former Commissioner of the Metropolitan Police and who flies vintage jet aircraft. Together we have formed the parliamentary aviators club and intend to give cross-party voice to a community that has lacked such representation in the past.

The proposed new charges arise from a report produced by a joint review team set up at the behest of some airlines, which have been clamouring for the review since the 1990s. It is claimed by the Civil Aviation Authority that the team was made up of a broad spectrum of aviation interests—a claim that I intend to refute. One of the joint review team's principal objectives was the elimination of alleged cross-subsidies from the airlines to general aviation. The broad effect of the proposals is to shift approximately £4 million in costs from the airlines to general aviation. We have several profound objections, which we have submitted to the CAA and with which the Minister is doubtless already familiar. For the purpose of the record, however, I shall set them out tonight.

Although the review was said to be based on a careful analysis of time spent by CAA staff on each area of activity, there is evidence that the metric time sheets did not produce an authoritative basis for the new charges. Although the composition of the joint review team was supposed to reflect the broad spectrum of aviation interests, it failed to do so. General aviation was represented by one person, who has acknowledged that he was in no position to speak for the full range of general aviation interests. It is therefore hardly surprising that the airline-dominated team concluded as it did on the need to shift costs from the airlines to general aviation.

Given the impact of the changes on general aviation, it is extraordinary that no regulatory impact assessment was done prior to the publication of the report, contrary to Cabinet Office guidelines. The review repeatedly states that

"the planned introduction of new prices on 1st January 2006 assumes no significant changes in industry volumes".

However, the imposition of an extra £4 million of charges on general aviation, involving in some cases up to a tenfold increase, is likely to lead to businesses folding or migrating to the United States or to the continent. Presumably, therefore, the cost of running a department with even fewer contributors will demand yet more fees from the remaining, reduced customer base.

As I have said, those driving the review saw their clear principal aim as the elimination of cross-subsidies in the charging of the cost of CAA regulation. However, even assuming the CAA departmental costings are reasonably accurate, it is grossly unfair to single out one particular factor—the cost of regulation—in the overall costs of aviation. The Library has helpfully provided me with information indicating that UK airlines currently save at least £800 million annually as a result of their exemption from duty and VAT on fuel, but general aviation contributes approximately £12 million to the Exchequer in fuel duty and £3 million in VAT.

The airlines have also received subsidies of nearly £2.5 million to run uneconomic routes. I submit that the review is thus flawed from the outset. If transparency is going to be the name of the game, then let the airlines pay fuel duty and VAT just as we in general aviation do.

I submit that it is as unacceptable as it is unattractive for Sir Rod Eddington and his crew at BA to seek to screw the last penny out of general aviation, when they reap literally billions of pounds in benefit from favourable tax concessions. Whatever their protestations to the contrary, they benefit from being able to recruit from the pool of pilots who have funded their own training.

A report by the respected aviation consultants Helios Technology concludes that the effect of the proposed charging regime will be grossly disproportionate for the small operator, who is likely to find that CAA fees account for as much as 10 per cent. of turnover. Meanwhile, the airlines currently pay less than two hundredths of 1 per cent.—I do not know how to express that in decimals—of their turnover to the CAA. In addition, they are demanding to pay less.

The CAA claims that the increased charges will amount only to a few pounds here and there. I have just received the CAA's helpful leaflet on the matter. It was no doubt designed to spike this debate, which is certain to be hugely publicised across the land. The leaflet is headlined "CAA Consults on Charging Proposals", and I am sure that the Minister will have seen it. For example, the leaflet claims that a small helicopter operator who paid £1,000 in 2004–05 will pay no more than £1,250 in 2005–06. That ignores the fact that that is in truth an increase of 25 per cent., and that it will followed by other increases in the subsequent two years.

The claim is misleading for other reasons too. As the Helios report shows, the overall increase in general aviation is likely to be 37 per cent. The cost of issuing a permit to fly will rise by getting on for 100 per cent. over the proposed three-year transition period in which the full cost of CAA regulation will be recovered from general aviation. That increase will follow cost increases over the previous two years, which means that general aviation is likely to be hit hard for a total of five years, if the proposals are implemented.

The Helios report also stated that

"the industry seemed to be somewhat precarious, with little or no growth in recent years and an evident possibility of foreign competition".

The charges could probably drive some companies out of business and cause others to set up abroad. That would leave a smaller industry that would have to fund the CAA through ever larger increases in charges.

As a result, flying training in the UK could well be rendered unaffordable, except by the wealthy. That would be contrary to the Government's policy of social inclusion, and would result in the loss of a valuable aviation asset in this country. If implemented, the cost

[Mr. Gerald Howarth]

increases would be unfair and unreasonable; they would thus conflict with the CAA's obligation to regulate general aviation in a manner that allows it to be sustainable.

Britain is one of the world leaders in aviation and aerospace. The company BAE Systems produces world-class military and civil aircraft, invariably powered by state of the art Rolls-Royce engines. The Conservatives liberated BA from state control and it has become one of the world's most successful and profitable airlines. EasyJet and bmi have pioneered low-cost flying for countless numbers of our fellow citizens. The Red Arrows demonstrate the extraordinary skills and professionalism of today's Royal Air Force pilots. The Royal Aeronautical Society and the Air League provide forums for the exchange of unparalleled knowledge in the field of aviation.

In short, Britain is at the top of the tree, and that has not happened by accident, as the hon. Member for Montgomeryshire knows only too well. It has happened because we have encouraged air-mindedness in our young people. Air shows across Britain have sparked flames of aeronautical excitement in many a young breast. Many young people have begun their aviation careers by learning to fly in light aircraft, often working all hours in supermarkets and elsewhere to save up so that they can afford the costs of flight training, which can easily exceed £120 per flying hour.

Perhaps in passing I might pay tribute also to the role of the Royal Air Force's air cadets, an organisation of some 44,000 young people, who are not actually taught to fly but are given a taste of flying, and often it is that which serves to light that flame to which I referred a moment ago, and which has produced a country where aviation is at the top of the tree.

The Minister will no doubt tell me that all the issues about which I and my colleagues have been complaining are internal matters for a statutory agency, and that she has no power to intervene. I do have to say to her that that is not acceptable. The Civil Aviation Authority is obliged by the Government to produce a 6 per cent. return on capital employed, despite the norm set by the Treasury being 3.5 per cent. for other public sector organisations—including, I understand, NHS trusts. So the CAA is obliged to find a 6 per cent. return, which it can recover only by charging its customer base. It is a monopoly supplier of the service—the customers have nowhere else to go—so it is unreasonable that it should have to produce a return double that of other public sector organisations, particularly when its role is in large measure to ensure the safety of air transport across the board in the United Kingdom. Why the regulation, supervision and promotion of air safety in the United Kingdom should be required to return a higher rate on capital employed than other public sector organisations defeats me. In France, the equivalent agency is not required to make any return on capital.

Furthermore, I put it to the Minister that there is no other means of holding this agency accountable except through Parliament. If she cannot influence policy, the agency is literally beyond reach unless one takes into account recourse to the courts, which obviously is an expensive way of proceeding. I suggest to her that, at the very least, she should insist that a regulatory impact assessment is undertaken before any change in the charging regime is introduced. As the Helios report states, a regulatory impact assessment is essential because the CAA is changing its policy by seeking to eliminate cross-subsidies, and the increases do not conform to a predetermined formula. She should also instruct the CAA to put its proposals on hold pending the outcome of the strategic review into the relationship between general aviation and the CAA, which is scheduled to report next year. The hon. Member for Montgomeryshire and I fully support the review, but it has only just started, and it does seem to me bizarre that these new charges are to be introduced before the relationship between the Civil Aviation Authority and general aviation has been properly explored.

I have set out my concerns, which are shared by many people involved in aviation throughout the country. I and the hon. Member for Montgomeryshire and our hon. Friends and others in the other place have received many representations from those engaged in recreational flying, and in professional flying at the lower end of the spectrum, and it is clear that there is a real anxiety out there. I hope that the Minister will recognise that the hon. Gentleman and I, and indeed her hon. Friend the Member for Edinburgh, South, are but the tip of a very much larger iceberg, representing a community who add an awful lot to this country, and who deserve better treatment.

I shall end on a positive note. The CAA has a good record in working with the light aviation sector. Its chairman, Sir Roy McNulty, is a friend. He is a man of undoubted integrity with a lifetime's commitment—a long and successful one—to aviation.

I hope that the consultation exercise will produce a rethink all round so that the UK can continue to inspire a new generation of air-minded young Britons who will keep us at the forefront of one of the most exciting industries on the planet.

9.55 pm

Bob Spink (Castle Point) (Con): I am grateful to you, Mr. Speaker, and to the Minister for giving me permission to make a brief contribution. I congratulate my hon. Friend the Member for Aldershot (Mr. Howarth) on securing this niche but important debate and for the measured and eloquent way in which he has presented his case.

Businesses often find that general aviation is helpful to them in operating effectively, especially if they have a number of sites around the country or abroad. Senior managers need to get around those sites, and their time is valuable; they need to move quickly, as do sales executives. The proposal, and its associated increased cost to general industry, could cause some of those businesses no longer to use aircraft to get around and that would damage business in general as well as the general aviation business in particular. So there is a wider issue to consider. I ask the Minister to look again at the regulatory impact assessment and make sure that one is conducted fully and properly on the CAA proposals so that business in general and the general aviation industry are not damaged.

9.56 pm

Lembit Öpik (Montgomeryshire) (LD): I, too, thank the hon. Member for Aldershot (Mr. Howarth) for initiating this debate and I thank the Minister for her forbearance in putting up with three speeches when she expected one. I assure the Minister that I do not expect her to respond to my comments this evening, but I thank her for the willingness that she expressed last night to meet those of us who share an interest in the matter perhaps together with some experts from the general aviation sector.

The hon. Member for Aldershot is right about the danger that the potential charges represent to general aviation, which amounts to a multibillion pound industry. As he said, it is the airlines that benefit when individuals invest tens of thousands of pounds in themselves to become commercial pilots. There is a little-advertised, little- celebrated, but important general aviation sector in this country, which brings people together, as the hon. Member for Castle Point (Bob Spink) correctly pointed out. It has been used by party leaders for many years to get them from one part of the country to another.

I hope that the Minister will take on board two things when we have a meeting at her convenience. One is the concerns about charging, which the hon. Member for Aldershot rightly raised. The other element is one to which I alluded last night and will briefly repeat. It relates to safety requirements and homogenising the various qualifications and maintenance requirements. I am thinking of concerns about N-registered—in other words, US-registered—aircraft in comparison with G-registered—UK-registered—aircraft which are used for general aviation in this country. I shall be tabling some parliamentary questions to see whether there is evidence to show that the more stringent requirements in the United Kingdom have a beneficial or perhaps negative effect on this country's safety record.

More than anything, what we are seeing tonight is the beginning of a voice for general aviation which has been silent for too long. Together with the hon. Member for Aldershot, we are doing our best to create an informal parliamentary aviators' club, not for our own best interests but to look after general aviation. I thank the Minister for her willingness to listen to these discussions, and I am sure that they will bear positive fruit for all sides.

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

10 pm

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): I congratulate the hon. Member for Aldershot (Mr. Howarth) on securing this debate. I recognise his expertise in this area, and the passion and enthusiasm of the hon. Member for Montgomeryshire (Lembit Öpik) as well, which is evident in the sector generally. I also recognise the sector's importance in entertainment—air displays and so on—and in encouraging young people to take an interest in aviation, as well as in the role that it can play in supporting training in the commercial sector. That case is well made.I welcome the opportunity to set out my views on some of the issues raised tonight, some of which I hope will help to explain the position and possibly to reassure the hon. Member for Aldershot, although I fear that we will not be able to agree on every point.

First, I want to emphasise the fact that the context for the changes is to keep safety as the No. 1 priority. The skies of the United Kingdom are a safe place to fly, and the Civil Aviation Authority, as the UK's safety regulator, is charged with ensuring that they remain that way. We want all the users of our skies—whether commercial operators, participants in air shows or recreational flyers—to have the confidence that they can go about their activities in safety. As the hon. Gentleman recognised, the CAA has a very good record over many years of ensuring that they can do so.

As we have heard, the CAA has been reviewing the basis of charging for its safety regulation work. Early in 2004, the CAA set up the joint review team—which has been mentioned and is made up of representatives from the UK aviation industry, the CAA, and my Department—to look into the issue. The hon. Gentleman suggested that the CAA listens more carefully to the airlines than to the general aviation sector, yet the joint review team consisted of six industry representatives: two from the major airlines, one from the Aerodrome Operators Association, one from the aircraft industry, one representing National Air Traffic Services and one representing general aviation. I hope that the hon. Gentleman would agree that that demonstrated a proper balance across all the sectors and that it more than fairly represented the general aviation sector, given the size of the group and the costs passed to, and the income generated by, that sector.

Separately, in developing its safety regulation costs and charges over the years, the CAA has relied heavily on the Safety Regulation Finance Advisory Committee, which represents a cross-section of the UK aviation industry. The committee meets the CAA regularly throughout the year. It acts in an advisory capacity and considers all the financial aspects of the safety regulation group's activities. One of its key roles each year is to consider in detail the charges proposals before these are put out to formal consultation with the aviation industry. Although the charges schemes have been generally successful, the CAA's cost recovery mechanisms have not been without their critics.

Mr. Gerald Howarth: I am grateful to the Minister for setting out the role played by the Safety Regulation Finance Advisory Committee. I do not know which members of the general aviation community are represented on that committee. Is she able to tell me? This is an unusual thing: it is a question to which I do not already know the answer.

Ms Buck: I am afraid that the hon. Gentleman has already stretched my knowledge beyond its breaking point. It is possible that inspiration may strike me in the next few minutes. If not, I shall be happy to confirm that information at another point.

The charge of cross-subsidy has been one of the most significant criticisms that have been made. The CAA's proposals cover all key charging schemes operated by the safety regulation group, including the air operators'

[Ms Buck]

certification, aerodrome and air traffic control licensing, personnel licensing, airworthiness and general aviation. At the core of the proposals is the intention to avoid cross-subsidy within and between the schemes. In the past, bigger airlines and airports have subsidised the smaller ones.

The CAA has aimed to make charges fairer and more closely aligned with the regulatory resources deployed to achieve safety goals. By that means, it hopes to reduce cross-subsidies. That means not that all cross-subsidies will be eliminated, but that there will be a better balance.

It is fair that all parts of the aviation industry should contribute to the air safety regulation required in their sector. Neither the CAA nor the major airlines seek to remove all the cross-subsidies from safety regulation charges. Larger operators will continue to pay more. In that respect, the hon. Member for Aldershot specifically mentioned the costs of £4 million that he said would be transferred to the general aviation sector. The conclusion of the charging review was that the air operators certificate scheme cross-subsidised the other charges schemes and that within that scheme light operators were being subsidised to the sum of about £4 million.

It does not follow, however, that £4 million-worth of costs are being transferred to the general aviation community. I stress that that is not the case. Most of the £4 million relates to air operator certificate holders who operate aircraft for commercial gain, most of whom have an annual turnover ranging between £1 million and £145 million. Those operating aircraft for commercial gain compete with others in the same field and should expect to face a broad equivalence of charge.

Whether an operator is a major flag carrier or an operator at the smaller end of the industry, safety regulation air operator certification charges represent on average 0.3 per cent. of an organisation's turnover. For the general aviation charges scheme, the proposals for the next charging period provide for increases of 8.4 per cent., which results in additional income of just £16,000 spread over all the charge payers. It should be noted that no price increases were applied to the scheme during the last charging period, so this represents an increase of only 4 per cent. a year.

The hon. Gentleman asked about the regulatory impact assessment, as did the hon. Member for Montgomeryshire. The CAA is clear that it did not undertake a formal regulatory impact assessment for three reasons. First, there is no proposed change in regulation. Secondly, there is no proposed change in the CAA's policy on the removal of cross-subsidies. Its policy has always been to eliminate, or at least minimise, cross-subsidies between charge payers. Where cross-subsidies arise, the CAA aims to address them over time in a planned way. Thirdly, an analysis of the cost implications for all operators has been undertaken by the CAA and shared with the industry. The general aviation community is of major concern to the CAA and the impact of its proposals on the smaller operators influenced the long transition periods set out in the consultation document, to which I have already referred.

Mr. Gerald Howarth: On the RIA, the CAA has been judge and jury in its own cause. The Minister will know from her postbag, let alone from what we are telling her tonight, that there is an overwhelming feeling that there must be a proper assessment of the impact on the general aviation. The CAA has undoubtedly been forced to accept that it cannot introduce all the increases in one go and they have been phased. Annual increases have been capped at 25 per cent. but I gave an example of an increase of 100 per cent. over three years. Helios is right; there should be a regulatory impact assessment and the CAA should not be judge and jury in its own cause.

Ms Buck: I understand the hon. Gentleman's strength of feeling, but I have set out the reasons that the CAA has given, which I am minded to accept. However, we shall meet to discuss the matter further.

The hon. Gentleman made a point about what he sees as inequity in VAT and taxation policy. Our policy position in that field is derived from long-standing international agreements. The International Civil Aviation Organisation's policy is that fuel used for international aviation should not be subject to tax. The European members of ICAO have succeeded in getting it recognised that the policy has been called into question in some member states that impose taxes on other transport modes and other sources of greenhouse gases. However, the great majority of ICAO's member states oppose any change to a policy enshrined in many hundreds of bilateral air service treaties.

The last detailed point that the hon. Gentleman raised was the CAA's 6 per cent. return on assets. As he is aware, the CAA is a self-financing public corporation and its financial environment is governed by the Civil Aviation Act 1982 and guidance from Her Majesty's Treasury. The Act requires the CAA to set its charges to recover the costs that it incurs in undertaking its regulatory functions. Specifically, the CAA is required to achieve the greater of a 6 per cent. rate of return on all activities before interest and corporation tax charges or break even after interest and corporation tax charges. That has been the case for more than 20 years.

The criticism of the rate of return seems to be based on the thinking that if the rate of return were lower, the level of charges could be lower. In other words, the CAA could continue for longer with its current charging regime. That misses the point. The issues driving the need for change, including that of cross-subsidy, need to be addressed regardless of the rate of return.

The rate of return itself is used to pay national loan fund interest, national loan fund repayments, funding of capital and taxation. It is also anticipated that it will be used to fund the transition from the UK basis of regulation to the European Aviation Safety Agency model, and this has been approved by the Treasury. It has also been pointed out that the UK is the only country in Europe that requires its aviation industry to pay the whole of its regulatory costs. That is true, and it has been the policy of all successive Governments since the CAA's inception in 1972.

On the broad issue of the charging policy, the CAA began on 10 June 2005 a formal public consultation with the aviation community, including general aviation, about plans to revise the way that it charges for its safety oversight activities. Because of the significance of the proposals, the CAA provided for a 12-week consultation to obtain industry comments, rather than the usual five weeks. The consultation period closed on 5 September 2005, and 220 responses were received.

Of course, no set of charging schemes is going to be universally welcomed by all the very different aviation sectors that pay the charges. That is why it is important that the CAA endeavours to set its charges fairly and properly, in accordance with its statutory objectives. The CAA is considering all the responses to its charging proposals and is committed to publishing the results on its website in late October.

The charging proposals will cover a 15-month period from the start of 2006 to the end of March 2007. They will include transition arrangements to allow greater clarity on the impact of work transferring from the CAA to the European Aviation Safety Agency. These increases will not come into force all at once. As a result of concern about the impact of the charging proposals on smaller operators and the general aviation community, measures to ease the transition to the new charges have been incorporated by the CAA into the proposals. Therefore, increases will be phased in over a minimum of three years for personnel licensing, airworthiness regulation and the general aviation scheme.

For the air operator's certificate scheme—together with aerodrome and air traffic controller licensing, en-route air traffic services regulation and aerodrome air traffic services regulation schemes—structural changes will take at least five years fully to introduce. Proposed price increases have been capped to ensure that no holder of an air operator's certificate faces an increase above 25 per cent. In addition, there will be more specific fees rather than variable charges and a banded structure of charges for air operator's certificates has been proposed that would reduce the burden on smaller operators.

By these means, we hope that the impact on the general aviation community can be kept to a minimum as far as possible. The CAA has rightly made it clear that, although it will continuously seek to minimise its cost base and reduce its fees, this will not be at the expense of safety, which must remain its top priority.

In conclusion, the Government will await the published results of the CAA consultation process, and I will then consider carefully the recommendations put to me by the CAA. In the meantime, I am sure that we will have an opportunity to meet and discuss the matter further.

Question put and agreed to.

Adjourned accordingly at fourteen minutes past Ten o'clock.

House of Commons

Wednesday 12 October 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Sudan

1. **Tom Brake** (Carshalton and Wallington) (LD): If he will make a statement on the humanitarian situation in Darfur, Sudan. [16762]

The Secretary of State for International Development (Hilary Benn): Some 1.8 million people have been forced to flee their homes in Darfur and just under 3.5 million are now dependent on humanitarian assistance. Although the latest United Nations mortality survey shows that the number of deaths has decreased significantly since last year, banditry and the recent increase in violence are a cause of considerable concern. In southern Sudan, malnutrition levels are, in places, as bad as in Darfur. The situation should improve after the anticipated good harvest, but there will still be areas where food is insufficient. People are now returning home to the south, but the humanitarian and development needs there are enormous.

Tom Brake: I thank the Secretary of State for his response. He will be aware that African Union troops will be key to ensuring that humanitarian aid arrives. He will also know that two soldiers were recently killed and 36 were kidnapped, most of whom have recently been released. On 22 October, 7,700 AU troops should be there on the ground. Does the Secretary of State believe that they will be, does he consider that a sufficient number, and what does he think the UK can do to help?

Hilary Benn: I share the hon. Gentleman's concern about the incidents that occurred over the weekend. There are currently 6,300 AU troops in the region, and the AU is still working to get 7,700 there by the end-of-October deadline. What happens depends very much on whether the recent upsurge in violence continues. We have to be very clear in identifying the perpetrators, and then passing their names to the sanctions committee and the International Criminal Court. We are pressing for the arms embargo to be extended to the whole of Sudan, and there is also the very practical issue of armoured personnel carriers. When I visited Sudan in June, the AU said that it wanted APCs to enable it to protect its troops. The Government of Sudan are currently putting obstacles in the way of those APCs getting in—an issue that my noble Friend Lord Triesman raised when he was there last week. They must now remove those obstacles, so that the AU troops have the equipment and the support that they need to carry on the good job that they have been doing in protecting people in Darfur since they arrived about a year ago.

Mr. Bill Olner (Nuneaton) (Lab): Food is being used as a weapon against ordinary people in Darfur. Are we going to be a little more robust in ensuring that it gets to the people who really need it?

Hilary Benn: There is indeed a huge humanitarian challenge. The humanitarian situation has improved for those in the camps, and my principal concern is the situation in southern Sudan. Between 250,000 and 500,000 people have already come home, and now that the dry season is arriving we expect a further 500,000 to move south. My visit to Rumbek in June made it clear that there is very little there to receive them. That is why we have given funding to the UN specifically for the south, and we are also running water, health and nutrition projects through non-governmental organisations. Moreover, we have put £10 million into a fund to enable the new Government of southern Sudan to start providing for the people, who are going home now that there is peace between the north and the south.

Mr. Tobias Ellwood (Bournemouth, East) (Con): The Secretary of State has spoken about the military commitment in Darfur, and in discussing Africa after the G8 summit, Sudan clearly comes very high on the list of priorities. Our current military commitment consists of only 17 personnel, 15 of whom are in a NATO camp helping the NGOs, and two of whom are in a rival European Union camp. Will the Secretary of State work more closely with the Defence Secretary to co-ordinate our efforts? There is no point in the NGOs and our relief workers going out there if they do not have protection, or—worse still—if our military operations are actually working against each other.

Hilary Benn: While the hon. Gentleman is right about the number of personnel in the region, the UK has so far committed, as he will doubtless be the first to recognise, £32 million in support of the AU operation. That shows just how serious we are about ensuring that it has the resources and technical assistance that it needs, and I pay tribute to the British service personnel there. The practical concerns that the AU faces are ensuring that it has the right equipment, the right number of troops and the means to protect them. I will of course continue to talk to my right hon. Friend the Defence Secretary about this issue, but the AU troops have undoubtedly been making a real difference on the ground, as was pointed out to me when I was in the region in June. However, we are very worried about what has happened in the past month.

Mr. Chris Mullin (Sunderland, South) (Lab): Is it my right hon. Friend's impression that the situation in Darfur is getting better, or deteriorating? Does he believe that the AU force is as effective as it should be,

should we be thinking of making the mandate tougher, and is he satisfied that the Sudanese Liberation Army and the other groups in rebellion against the Khartoum regime are pulling their weight in trying to achieve peace in Darfur?

Hilary Benn: On my hon. Friend's last point, no, I do not think that they are pulling their weight. Indeed, until relatively recently, those principally responsible for the deterioration in the security situation have been the SLA and JEM—the Sudanese Liberation Army and the Justice and Equality Movement—which, it is thought, were behind the kidnap of the African Union troops that have now been released. I think that there is a certain amount of jockeying for position going on while the Abuja peace talks are restarting.

As far as the mandate is concerned, it is currently somewhere between a chapter 6 and a chapter 7 mandate, and it is for the AU itself to determine what the mandate will be. When I spoke to the AU commanders there in June, it was clear that they were prepared to be flexible about how they worked, but they wanted to ensure that they had adequate protection.

Andrew George (St. Ives) (LD): The right hon. Gentleman's Department is contributing £100 million to the Darfur region, but when he compares that with the £5 billion—£1.5 billion a year—that the Government are committing to the military operation in Iraq, and the $18.5 billion spent on reconstruction there, does he believe that sufficient priority is being given to the needs of the displaced, murdered people of Darfur?

Hilary Benn: The UK has been the second largest contributor, after the United States of America, to humanitarian assistance in Darfur, so the US and the UK are leading the rest of the world in that respect. Secondly, one also has to recognise the political effort that has been made. As the House knows, the truth is that the crisis in Darfur will be brought to an end only when the people who are currently fighting each other are prepared to use the Abuja peace talks to reach a peace agreement. If they can do that, peace can be brought to Darfur in the same way as the comprehensive peace agreement brought peace to the north and south of Sudan, where more than 2 million people were killed in a civil war that lasted a generation.

Afghanistan

2. **Tony Baldry** (Banbury) (Con): If he will make a statement on his Department's progress on poppy eradication in Afghanistan. [16763]

6. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): What recent discussions he has had with his European Union counterparts on diversifying agriculture in Afghanistan. [16768]

The Secretary of State for International Development (Hilary Benn): DFID is supporting the overall UK effort to combat poppy cultivation through providing alternative livelihoods. Working with others, we are putting in £50 million this year to support agriculture. Recent provisional UN figures suggest that there has been a 21 per cent. decline in poppy cultivation acreage in 2005. The challenge will be to sustain that reduction next year. Long-term development and the creation of a stable and secure state governed by the rule of law will be the key factors in achieving that.

Tony Baldry: I am grateful for that answer, but fatwas against farmers in Afghanistan do not seem to be making much progress, largely because of the lack of alternative livelihoods. Is it not time to consider the possibility of licensing some opium production in Afghanistan? There is a shortage of morphine and codeine, particularly in the developing world, and the benefits to Afghan farmers and the Afghan treasury of some licensed, tightly regulated opium production could be considerable.

Hilary Benn: I have seen the recently published report, which made precisely that suggestion. As I am sure the hon. Gentleman is aware, the Ministry of Counter Narcotics—this is the Afghan Government's response—said that while it welcomed the study, because of poor security and the risk of diversion, now is not the right time for licit poppy cultivation. I have to say that I share that view, but I can tell the hon. Gentleman that we are funding an applied research programme to look at ways of earning an alternative living, which is what farmers require if they are not to plant poppy any more.

Linda Gilroy: I welcome the fall in opium production to which my right hon. Friend referred, but in order to sustain it, has he looked at the potential role that higher-added-value crops might play, particularly crops that might have a role in reducing environmental emissions or result in the production of ethanol?

Hilary Benn: We have not looked specifically at ethanol, but the research programme to which I referred in answering the previous question will examine all the available options. So far, we have provided 30,000 farmers with seeds, fertilisers and samplings and there are alternatives such as apricot drying, keeping poultry, fruit trees and vegetable production, which farmers could enter into. The House needs to recognise that the opium economy in Afghanistan is estimated to be worth $2.8 billion a year—60 per cent. of the legal gross domestic product.

Experience from elsewhere tells us that it will take time, effective interdiction, enforcement of the law, the establishment of economic development and success in giving people alternative ways of earning a living to really crack this problem. That is a long-term challenge.

Robert Key (Salisbury) (Con): When the Secretary of State and his colleagues are faced with long-term humanitarian crises such as have arisen in Afghanistan and Darfur, as well as short-term crises such as the one following the earthquake in south Asia, who in the Government co-ordinates and prioritises the efforts made by different Departments? I get the impression that the Ministry of Defence is taking on quite a lot of the work that used to be done by the Foreign Office.

Hilary Benn: There is very close co-ordination between those ministerial colleagues, especially in the Foreign and Commonwealth Office, my Department and the Ministry of Defence, who have responsibility for the work that we are doing in Afghanistan. We see the product of that in the effort that we are making across the piece in Afghanistan, Darfur and Pakistan. We are doing a great deal to help in Pakistan, and will do more.

Mr. Andy Reed (Loughborough) (Lab/Co-op): My right hon. Friend is right about the scale of the problem posed to this country by Afghanistan. What measures is he taking to bring about an enormous step change in our efforts, and is there a role for co-operatives in Afghanistan? Those organisations could bring together many farmers to work in a collective rather than an individual way to achieve diversification.

Hilary Benn: My hon. Friend's suggestion about co-operatives is extremely good. One practical example of the significant increase in the effort being made by this Government is our support for the alternative livelihoods that we have just been discussing. Two years ago, we gave £6 million a year to support that diversification, but this year we are giving £50 million. That very significant increase recognises the importance of alternative livelihoods in improving the lot of farmers.

Mark Simmonds (Boston and Skegness) (Con): Since the Government became responsible for reducing opium production, the levels of cultivation in Afghanistan have escalated dramatically. Finding solutions to arrest that country's decline into a narco state is essential, as 90 per cent. of the heroin in the UK originates there. As the Secretary of State rightly pointed out, the solution is multifaceted, but little progress has been made on the matter of informal credit. Farmers are burdened by loans with extortionate interest, and daughters are often used to pay creditors when debts become unserviceable. What strategies is the Department implementing to assist with credit repayment, debt relief and access to microfinance schemes?

Hilary Benn: The hon. Gentleman raises a very important point. So far, we have supported making microfinance available to 20,000 clients. We have taken the lead in the establishment of a counter-narcotics trust fund, to which we are contributing £20 million. The hon. Gentleman draws attention to a very significant problem faced by farmers, which is that, when they get into debt, they are bound to the drug traders. I have given some examples of what we are doing already, but we have to find ways to ensure that they can get out of that bind and begin planting alternative crops. However, that must be combined with effective enforcement of the law, and the 21 per cent. reduction in the acreage planted is principally the result of the efforts made by the Afghans themselves. President Karzai and the governors have told farmers that they should not plant heroin, and I hope that we can sustain that initiative.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): What practical assistance are our armed forces in Afghanistan offering in eradicating the evil drug trade there, which affects all our communities?

Hilary Benn: The most practical contribution is to improve security. With improved security and an increased capacity on the part of the Afghanistan Government to deliver for their poor will come a better chance to deal with the problems of what is, indeed, a narco state. Everyone recognises that. When I visited Mazar-e-Sharif in Afghanistan earlier this year, I had the chance to see the work of the provincial teams. That work is undoubtedly making a difference, but the effort has to be a joint one. In the end, the Government of Afghanistan must lead that effort, and we will continue to help them.

Southern Africa

3. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If he will make a statement on the food situation in southern Africa. [16764]

The Secretary of State for International Development (Hilary Benn): Over 10 million people could face food shortages in the next six months in Zimbabwe, Malawi, Zambia, Mozambique, Lesotho and Swaziland. The most serious problems are in Zimbabwe and Malawi. In Zimbabwe, between 3 million and 5 million people are affected by the food crisis as well as the forced clearance of homes by the Government. In Malawi, more than 4 million people face food shortages as a result of a drought and poor harvest. The UK has responded quickly and already provided £57 million pounds through the UN, other agencies and some of the Governments in the region.

Mr. Crabb: I thank the Secretary of State for that reply and am reassured by it. As he said, the food situation in southern Africa is critical this year with the failure of the harvest. Despite everything else that has been filling his in-tray recently, will he please do everything in his power to keep the problems of southern Africa in the world's view over the coming weeks and months? It is vital that real action be taken to address the consequences of the failure of the harvest in the region this year.

Hilary Benn: I am grateful for the hon. Gentleman's words and I can assure him that we will do so. Indeed, my hon. Friend the Under-Secretary has just returned from a visit to Malawi and Zambia to see for himself the work that we are doing. In Malawi, there has been a lot of recent attention on the emergence of the food crisis. We have been working since earlier this year and because of the strong relationship between Britain, as the leading donor in the country, and the Government of Malawi, arrangements are reasonably in hand to ensure that people do not starve. I can assure the hon. Gentleman that we will do more as required to save people's lives.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend agree that the food crisis in southern Africa is made worse by the high prevalence of HIV/AIDS? What is the Department doing to help meet those particular needs, especially the needs of HIV/AIDS orphans? How are we making sure that money provided to that group reaches community-based groups that provide feeding schemes for those vulnerable children?

Hilary Benn: We are currently working up a programme with UNICEF to provide support in the fight against HIV/AIDS across the region. The crisis is the consequence of climatic change—we now seem to have one severe drought every 10 years—AIDS, which means that people are less able to cope, rising unemployment and population growth. My hon. Friend will be aware that we have recently doubled our contribution to the global fund and we have done a great deal of work this year to make sure that, having put the money in to fight AIDS, it actually works effectively on the ground to bring help, including treatment to those who need it. There are now a number of people in Malawi, for example, who are getting antiretrovirals, which was not the case when I last visited there four years ago.

Mr. Gregory Campbell (East Londonderry) (DUP): Much good work continues to be done by relief agencies in Africa, but what are the Government doing to establish further action against those who are engaged in fraud and corruption, particularly the actions of Robert Mugabe in Zimbabwe?

Hilary Benn: The governance of Robert Mugabe over the last 25 years has turned Zimbabwe from the food basket of Africa into a country that is no longer able to feed its own population. We are providing support through the world food programme and we are running an HIV/AIDS programme in Zimbabwe to help those who are affected. That is not helped when countries send in tents to house the people who have had their homes demolished and the Government of Zimbabwe then rip down those tents and say that they will not accept any more tents for people who have nowhere to live.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): At the forthcoming trade talks in Hong Kong, will my right hon. Friend seek to influence discussion on transparency about the common agricultural policy and other trading organisations so that some of Africa's poorest farmers do not have to face some of the most awkward and unacceptable trade barriers?

Hilary Benn: I can assure my right hon. Friend that that is what we will do. In the long term, fairer trade and opening up our markets to give African farmers the chance to earn and trade their way out of poverty is the key to their having a better life. The current world trade rules make it difficult for them to do that, but there are also other issues such as infrastructure. A number of the countries concerned are landlocked, and improving the infrastructure would bring down the costs of transport and of fertiliser for poor farmers and would help people earn a better living.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): Clearly, the Secretary of State deserves considerable credit for the initiatives that he has taken on the southern African food crisis. But does he feel that he is getting inadequate support from other European countries and other members of the G8? Does he accept that following the food crisis throughout Africa, including in Niger and Darfur—the UN recently reported that up to 4 million people are in danger of starvation there—an effective early warning system, co-ordinated international responses and prevention, rather than last-minute desperate reactions prompted by TV footage, are what is needed?

Hilary Benn: I do indeed agree. We need a UN system that has the capacity to respond straight away, which is why I have been a strong advocate of a humanitarian fund. We now have six countries prepared to contribute $150 million next year to give the UN that capacity. In relation to the food crisis in southern Africa, early warning has helped us to prepare, but the other issue that we must address is dealing with the problem in the long term. Repeated food aid does not break the cycle of destitution, so we are also exploring safety net schemes. We will give people a bit of money, most of which they will spend on food, but if they can save a bit to buy assets—such as the plough that they had to sell because they were so poor—we may be able to help people out of the pit in which they find themselves.

Swaziland

4. **Mike Gapes** (Ilford, South) (Lab/Co-op): If he will make a statement on support from his Department for projects in Swaziland. [16765]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): We are supporting one project in Swaziland that assists with improving water and sanitation services to poor rural communities. In addition, we support two HIV/AIDS regional initiatives that operate in Swaziland. The first is with the Southern African Development Community and the second with Action Aid. Their work focuses on sexually transmitted disease treatment, condom promotion and behaviour change, and includes strengthening the capacity of the Ministry of Health in Swaziland.

Mike Gapes: The situation in Swaziland is desperate. There is a massive drought, the average life expectancy for men is 32, and 43 per cent. of women attending maternity clinics are HIV positive. Three weeks ago, a delegation of Members of Parliament saw the present problems, but the changes to the EU sugar regime could make the problem even worse, because Swaziland is not defined as a less-developed country, so does not get automatic access to EU markets. What will the Government do to mitigate those problems?

Mr. Thomas: It is precisely because of the problems that my hon. Friend rightly identifies that we continue to provide support across, especially for HIV/AIDS, and from which Swaziland benefits. On the specific issue of sugar, the research that we have undertaken in our Department suggests that the Swaziland sugar industry,

unlike some in other African, Caribbean and Pacific countries, has a strong future. As part of discussions on economic partnership agreements, we have called for unlimited access to EU markets for all products including sugar. Such a move will help Swaziland.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): The Minister will be aware that Swaziland has the highest HIV/AIDS infection rate of anywhere in the world, at 36 per cent. Does he agree that it is abhorrent and deeply offensive that British aid funds are effectively being spent on building new palaces and buying exotic cars for the King of Swaziland's ever-increasing number of wives?

Mr. Thomas: Let me reassure the hon. Gentleman and the House that our aid to Swaziland is not disbursed by the Government. The only direct support that we provide is in an attempt to improve the effectiveness of the Ministry of Health. Our aid is distributed through the Southern African Development Community, UN organisations and the European Union.

Papua New Guinea

7. **Mrs. Betty Williams** (Conwy) (Lab): What recent assessment his Department has made of the incidence of HIV/AIDS in Papua New Guinea; and if he will make a statement. [16769]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): The UN estimates that HIV prevalence in Papua New Guinea is at 0.6 per cent. of the population. Australia is the major supporter of Papua New Guinea's national AIDS plan. We are working with the Government of Australia to help develop their 2005–10 strategy for Papua New Guinea in this area. We have not undertaken a separate assessment ourselves.

Mrs. Williams: Given that there is no DFID programme for Papua New Guinea, and that the situation is so serious there—as the Commonwealth Parliamentary Association witnessed two weeks ago—can my hon. Friend ensure that the global fund is able to prioritise assistance to that country, which seems to have been forgotten by the rest of the world? What can he do to ensure that the global fund has sufficient funds to meet those needs?

Mr. Thomas: We will continue to encourage the global fund to engage with the issue of HIV/AIDS, in particular in Papua New Guinea. Currently, the fund has a $15 million programme in the country, so it is clearly engaging already. On my hon. Friend's broader question about the replenishment needs of the global fund, we hosted the replenishment conference for the fund in September, when about 29 donors pledged about $3.7 billion for the global fund—a substantial increase on the resources available until now. More needs to be done and there will be a follow-up conference next year to raise more funds.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [16747] **Mr. John Baron** (Billericay) (Con): If he will list his official engagements for Wednesday 12 October.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I know that the whole House will want to join me in sending our sympathy and support to all the countries and people affected by the earthquake in south Asia. The greatest loss of life and damage appears to be in Pakistan, where tens of thousands are feared dead and millions are homeless. At the moment, we know of no British citizens among the casualties, but there will of course be many families in this country who have lost relatives or friends, and they are in our thoughts. The House will want to know that Britain is playing its full part in the international aid effort, and I am able to announce that my right hon. Friend the Secretary of State for International Development will commit a further £10 million today in response to the United Nations Flash appeal and to support the wider relief effort. We will continue to respond as needs unfold.

This morning I had meetings with ministerial colleagues and others in addition to my duties in the House. I will have further such meetings later today.

Mr. Baron: The Prime Minister will be aware that there is growing concern about the Government's proposed offence of inciting religious hatred, in that it could, and will, stifle our freedom of expression and is unnecessary. Will the Prime Minister allay those fears by doing something that his entire Front Bench has been unable to do so far—define the term "religion" and provide just one example of an act that would be caught by that legislation that could not be caught by existing legislation?

The Prime Minister: Obviously, incitement to racial hatred is already a crime. The reason for this legislation is that the problem with incitement to religious hatred not being a crime is that there can be people against whom hatred is incited who may be of one religion but not of one ethnic grouping. That is the reason for it. If, for example, people incite hatred against Muslims, that may not be against an ethnic grouping but it is against a religious grouping. That is the reason for the introduction of the measure. I understand the concerns and it is important that we take account of them, but I emphasise to the hon. Gentleman that before any prosecution is launched there will have to be the consent of the Attorney-General and the Director of Public Prosecutions. What this is aimed at, as with incitement to racial hatred, is not people making jokes about race, religion or anything else; it is against those who are going out to stir up divisions in our community in a way that is deeply unhelpful to community relations. Just as we obviously must take careful account of the objections that have been made, I hope that the hon. Gentleman will also take account of the opposing point of view.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): I congratulate the Government on their swift and effective response to the devastating earthquake in south Asia. Access is still difficult to the most remote communities affected in Pakistan. Can my right hon. Friend tell us what the Government are doing to provide greater helicopter support to ensure that relief supplies reach those communities? I have spoken to many leading relief agencies working in Pakistan and they have highlighted the desperate need for mobile medical units and field hospitals with surgical facilities. What is my right hon. Friend's response to that?

The Prime Minister: We are chartering helicopters and will make arrangements to get them to the affected regions so that they can help both the UN and the Red Cross. As I mentioned a moment or two ago, in addition to that my right hon. Friend the Secretary of State for International Development will announce a further £10 million-worth of help, on top of the £2 million already offered, in response to the UN Flash appeal. We shall continue to do everything we possibly can. Once again, let us reiterate that people in the affected area and also their relatives in this country are in our thoughts and prayers at this time.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in offering our profound sympathy to all those affected by the terrible disaster that has struck south Asia. It is not just a disaster for south Asia; it is a British disaster, too. Thousands of British people may have lost generations of their kith and kin, and our hearts go out to them.

I join the hon. Member for Glasgow, Central (Mr. Sarwar) in congratulating the Prime Minister on the speed of the British response. He will be aware that a disaster of this kind always poses real challenges in co-ordinating the aid effort. Can he tell us more about that and, in particular, about the way in which the British contribution is being co-ordinated?

After the floods in Mozambique five years ago, concerns were expressed about the co-ordination between the Department for International Development and the Ministry of Defence. Indeed, in the past half hour in the House, similar concerns have been expressed about such co-ordination in Darfur and Afghanistan. Can the Prime Minister assure the House that there is proper communication and co-ordination of their efforts in the current emergency in south Asia?

The Prime Minister: I think that I can give the right hon. and learned Gentleman that assurance. There is close co-operation now between the Department for International Development and the Ministry of Defence and, indeed, the Foreign Office. We sent a team of people to co-ordinate our effort almost immediately the earthquake happened—and, by all accounts, they are doing a superb job. In addition, of course, what is important is that we give the maximum help to the UN effort. Part of our help is obviously in cash or in the provision of the tents, blankets and so on that we are sending, but part of it is also to boost their own capability on the ground. Our people have very good experience of that, and I understand, certainly from all the accounts that I have had, that they are doing an excellent job. As far as I am aware, there is no problem with co-ordination in that respect.

Mr. Howard: As the Prime Ministers knows, we fully support the Secretary of State for International Development's proposals for an enlarged central emergency fund, but the fund already exists, although apparently it is not being used. The Secretary of State said this morning that the reason for that is that people are worried that it might not be replenished. Well, with great respect to the Secretary of State, that is not the most compelling answer. Can the Prime Minister tell us why that fund has not been used and what representations the British Government are making to ensure that it is used without delay?

The Prime Minister: My right hon. Friend has just said to me that the reason that the fund has not been used is that it has been too small. That is not because of a lack of British contribution or British effort, incidentally—we are putting an immense amount of effort into UN relief around the world. However, this is obviously something that is being looked at by the UN and other Governments. I have to say that, in this instance, my understanding is that the UN is doing everything that it possibly can to help. When I spoke to the President of Pakistan over the weekend, I did not simply express our condolences—I said that we would give any additional help that we could. I think that the Pakistani Government know that all they have to do is ask and we will deliver whatever we possibly can.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): On an important local issue, the Prime Minister will know why Staffordshire ambulance service is the best in the country. Can he assure me that its merger with poorer-performing ambulance services in the west midlands will not cost the lives of my constituents?

The Prime Minister: The purpose of the review is obviously to ensure that the ambulance services work as well as they possibly can, and that includes a proposal to move to a single ambulance service for the west midlands. Obviously, we must look at all the consultations and representations that are made to us, but in the end the review is not cost driven, but efficiency driven, and we must try to ensure that we have the most effective proposal to deliver decent ambulance services to people in the midlands and elsewhere.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Obviously, I associate myself and my right hon. and hon. Friends with the expressions of sympathy that the Prime Minister and the current leader of the Conservative party have quite properly made—*[Interruption.]*

Mr. Speaker: Order.

Mr. Kennedy: Very proper expressions have been made about the terrible events that have happened as a result of the earthquake. The statement that the Secretary of State for International Development made to the House when we reconvened was very warmly

welcomed, and we pay tribute to the work that he and his officials are doing in those most difficult circumstances.

Returning to the Prime Minister's present legislative proposals, which involve imprisonment without charge for 90 days, it seems to be absolutely clear that there is no consensus within the Government on this measure. What exactly is the view of the Attorney-General about it? Are the reports that we have read that he remains unpersuaded correct, or is this just going to be another occasion when the Attorney-General's internal views go unreported to the House?

The Prime Minister: No—those views appear to have been quite extensively reported at least. There will be different views on this issue in political parties and across the House. What I have to try to do—and I am going to try to do it, if I can, in a spirit of reaching consensus on the issue—is to take the proposals that have been made by the police, lay them out before people and then have a debate about whether they are a sensible way to proceed. I have to say that, for the reasons that the police have given, I have found that their request for this power is absolutely compelling. I have to try to do my best to protect people in this country and to make sure that their safety and their civil liberty to life come first. That is what I am going to try to do.

Mr. Kennedy: If the Prime Minister is serious about looking at sensible alternatives, surely he should look at the rest of his proposed legislation. The Terrorism Bill, as published, will create serious new offences and, for example, offences that we have argued for and that the Government are now supporting, such as that on acts preparatory to terrorism. That will enable suspects to be detained for the existing 14 days. In such circumstances, why does the Prime Minister remain so wedded to the proposal for 90 days? Surely it is wrong; surely he is going to have to back down.

The Prime Minister: The reason that I remain wedded to that proposal is that the people who are in charge of fighting terrorism in this country—in particular, the senior police officer in charge—say, for reasons that I find personally absolutely compelling, that it is necessary to have that power to protect the public.

It is not a matter of mystery why we are putting the proposal forward. It was originally put forward by the Association of Chief Police Officers, and it is now being backed by the chief police officer in charge of fighting terrorism in this country. He set out his views in a memorandum, with examples, last week. I have said that I found them compelling. Let us have a debate about the strength or otherwise of the proposals, but I believe that the case is convincing.

The reason that the chief police officer gives is also very clear. The particular nature of this type of terrorism means that very often the police will have to arrest people relatively early in the conspiracy to cause terrorist offences. Therefore, the police will need a longer period of detention to get the evidence necessary to charge those people properly. That is the reason the police give. Rather than allegations of whether we are backing down or standing firm, we should debate the substance of the proposals, consistent, I hope, with the understanding right across the House in the aftermath of 7 July, when more than 50 people lost their lives in the terrorist attacks and consistent with our obligation to do our level best to protect the citizens of this country.

Q3. [16749] **Kelvin Hopkins** (Luton, North) (Lab): Last Friday, Balfour Beatty was fined £10 million for sustained industrial negligence leading up to the Hatfield rail crash that killed four people, injured 102 and, according to Mr. Justice Mackay, had put 750,000 lives at risk. Afterwards, one of those who had suffered as a result of Hatfield said that the company had been driven by greed and profit margins, not by concern for people's lives. My right hon. Friend is apparently determined to impose this private contracting culture on the national health service. Will he think again?

The Prime Minister: It is right that we should do everything we can to reduce waiting lists and waiting times, and we have done so with immense success. Let us remember that before the Government came to power, waiting lists rose by about 400,000; they have now fallen by more than 300,000. That is a result, in part, of the reforms and changes that we have put through.

I also have to say to my hon. Friend that we have used the private sector for generations in the construction of hospitals. What we are trying to do is make sure that we get proper value for money, and that when we deliver new hospital projects they are on time and on budget. Actually, with the private finance initiative we have found that they have been.

Mr. Michael Howard (Folkestone and Hythe) (Con): The Prime Minister will not be surprised to hear that I agree with him about the use of the private sector in public services. He said a fortnight ago that every time that he had ever introduced a reform, he wished, in retrospect, that he had gone further. Who stopped him?

The Prime Minister: It is always important, with any reform, that we test it very carefully, and that is what we have been doing. As a result of the reforms, I am pleased to say that we have the best school results that we have ever had. Hospital waiting lists and hospital waiting times are falling. We are reducing crime and antisocial behaviour. All that is a result of the investment and reform that were put through by this Government and opposed by the Conservative party.

Mr. Howard: I asked the Prime Minister a very simple question: who stopped him from going further in his reforms? I will give him a clue—two words; three syllables. I will give him another clue. Who said that when it comes to the public services, the user of the service is "not sovereign"? So, who was it that stopped him from going further in his reforms? Why does he not come clean and tell us?

The Prime Minister: The very reason we are going further is because the experiments that we have put through and the tests that we have implemented have shown that reform works. As a result, there is not merely extra money going in. For example, when we came to power, people used to wait two years for their cataracts

treatment; now, they wait three months. When we came to power, barely 50 per cent. of children got the right test results at 11; now, the figure is 75 per cent. We used to have a situation in which most of the stock in the national health service—the actual buildings—was built before the health service was started, but over the next few years, as a result of reform, the private finance initiative and also investment, we are going to renew the national health service stock. Yes, we are going to take these reforms further—that is because they work. They work in good combination with the investment produced by the strongest economy that this country has seen.

Mr. Howard: Two questions asked, none answered. Let me ask the Prime Minister about a specific example. Yesterday, he talked about extending reform in education. Will he now guarantee to offer all parents the choice and freedom that his city academies offer only a few?

The Prime Minister: We will certainly be extending choice and opportunity for parents in the education White Paper, although the right hon. and learned Gentleman will have to watch for the details when the White Paper is introduced. Let me make this point to him: there can be no choice unless we also put in the investment to create better schools.

When we came to power again—*[Interruption.]* This is important because of the change that has happened in our education system. There were significant numbers of London boroughs in which, on average, fewer than 25 per cent. of children were getting five good GCSEs. Today, no authority has a figure below 40 per cent. We used to have a situation in which only 30 schools in the whole of London got more than 70 per cent. good GCSEs, but now almost 100 schools achieve that. That is the difference that we are making. Choice cannot be introduced simply by a choice mechanism—it must go alongside investment, but the right hon. and learned Gentleman opposed every penny piece of that investment. If he wants to lecture me about reform, perhaps he will come to the Dispatch Box to say that he was wrong to oppose the investment.

Mr. Howard: Yet a third question not answered. We agree with the need for investment, but have always said that investment has to be accompanied by reform. The Prime Minister has not engaged in real reform. Is not his tragedy this: when he had the authority, he did not use it? In the past eight years he has been timid; now, he is just weak.

The Prime Minister: The right hon. and learned Gentleman says that he supports the investment, but he voted against it.

Mr. Howard: Accompanied by reform.

The Prime Minister: That is precisely what we are doing, so why is the right hon. and learned Gentleman not supporting it? He says that he supports investment and reform, yet he opposed the investment. He says that he supports reform, but the payment-by-results system that is being introduced was opposed by his shadow health spokesman just yesterday.

Let us be clear. The Conservatives do not support the investment or the reform. Why? Because in their 18 years they ran down public services and were only ever interested in public services for a few people at the top. It is this Government who are delivering decent public services for all our people. That is the difference between a strong Labour Government and a Conservative Government who never cared for anyone but a few at the top, and never will.

Hon. Members: More, more.

Mr. Speaker: Order.

Q4. [16750] **Mr. Andrew Turner** (Isle of Wight) (Con): My constituent, John Packwood, spent 11 months in a Spanish jail before being extradited to Morocco without even a prima facie case against him. He now finds that he has no entitlement to consult an English lawyer. Thankfully, with great compassion and understanding, Mr. Mohamed Lididi, of the Moroccan Ministry of Justice, has agreed that he may do so on this occasion. Will the Prime Minister lend his support to ensure that any British subject is in future entitled to consult a British lawyer?

The Prime Minister: Obviously, I know nothing about the individual case and there is no point in trying to comment on it. To be frank, I am not sure offhand what the procedures are for people who need to consult British lawyers. I am perfectly happy to look into the matter and write to the hon. Gentleman. Had he given me advance notice of his question, I might have been able to work out a better reply.

Q5. [16751] **Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): Does my right hon. Friend agree that the Government's record investment in affordable housing is transforming the lives of thousands of people? However, too many families in Hackney are still unable to move into family sized accommodation. Recent research by Shelter shows that eight out of 10 of those families are concerned about the impact that that has on their children's education. Does he agree that we need to build more family homes for those families that are trapped in small flats?

The Prime Minister: Yes, I do. It is why the London Housing Board is putting more of its £1.7 billion affordable housing budget into building homes of three bedrooms or more. My hon. Friend is right that it is a real problem, especially for people in London and the south-east. Again, it is only if we are prepared to take the measures both on building more homes and on supporting affordable homes that we will resolve the problem. *[Interruption.]* It is all very well for the Opposition to shout that they are concerned about this, but they oppose the development of extra housing, which is a necessary part of dealing with the problem in London and the south-east.

Mr. Alex Salmond (Banff and Buchan) (SNP): Can the Prime Minister explain how it is possible for the House to have full confidence in new terrorist legislation when existing anti-terrorist legislation is used inappropriately to detain 82-year-old pensioners at English holiday

resorts? Can he also explain how it is possible to have confidence in the justice system when thugs who manhandle such pensioners are neither detained nor arrested, but apparently escape with impunity?

The Prime Minister: We should debate the terrorist law on a sensible basis. We know that people in our country and around the world want to commit serious terrorist offences here, and we had a serious terrorist attack in the centre of London. Therefore, it is not surprising that we are debating how we protect our citizens better. All I am saying is let us have that debate based on the facts. We should at least take account of the fact that the senior police officer in charge of anti-terrorist activity says that our law is defective and has made what I think are reasonable proposals to change it. Let us debate those on a sensible basis.

Q6. [16752] **Barbara Follett** (Stevenage) (Lab): October is breast cancer awareness month. Women across the country have been heartened by the much improved survival rate figures recently reported by Cancer Research UK. Those are mainly due to early and better access to screening, but that life-saving facility is available only to women over 50. Will my right hon. Friend consider making that available to women in their 40s as well?

The Prime Minister: We do. Obviously, we have brought down the age limit, as my hon. Friend knows, which has had a big impact. It is worth pointing out that over the past 10 years long-term survival from breast cancer has improved dramatically in this country, which is the tremendous result both of the good work by doctors and nurses and of investment and earlier screening. My hon. Friend is right that we must consider how we can take this further. We must do so according to advice given to us about its appropriateness and how we best use resources for the health service. There is no doubt, however, that as a result of screening earlier we have saved lives. That is a testament not just to the good work of people in the national health service, but to the programme of investment and reform.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): The Prime Minister will welcome the recent success of the Assets Recovery Agency in targeting properties purchased in the Manchester area on behalf, it is believed, of senior members of the Provisional IRA. That is further evidence of their ongoing criminal activity. Will the Prime Minister give the Assets Recovery Agency the necessary resources to recover all the IRA's criminal assets, including the £26 million that it stole from the Northern bank, and will he ensure that every step is taken to bring an end to IRA criminal activity?

The Prime Minister: We obviously support strongly the work of the Assets Recovery Agency, and it is important, particularly in light of the significant and welcome report by the Decommissioning Commission, that we make it clear that there is no activity of any nature—not simply paramilitary activity, but criminal activity—that is acceptable. It is not acceptable on the republican side, and it is not acceptable on the so-called loyalist side either. The only way that we will manage to get the institutions in Northern Ireland up and running again, as I know the hon. Gentleman wants and as I want too, is if everybody understands that it is not just terrorist campaigns that must cease—it is deeply welcome that they have done so—but all criminal activity that must cease. There cannot be any ambiguity about that.

Q7. [16753] **Mark Tami** (Alyn and Deeside) (Lab): I thank my right hon. Friend and the Government for the tremendous support that they have given the Airbus A350 project, which will create and safeguard thousands of jobs in north Wales and the UK. Will he give the same level of support to the European Trade Commissioner and his difficult but vital talks at the World Trade Organisation, which will shape the future of the civil aviation industry in this country?

The Prime Minister: The Commission has rightly made it clear that it will defend Airbus launch investment robustly in the World Trade Organisation talks. I thank my hon. Friend for what he said. The launch aid for the A350 has obviously been extremely important in providing high-quality skills in our country, and it is important for the future of our manufacturing base. Airbus is a good example of European co-operation, and it has made a huge difference to the strength of the European economy. I expect that 20 or 30 years ago the idea of a European consortium challenging Boeing would have been considered far-fetched, but today such a consortium does so right around the world with considerable vigour and skill.

Mr. Andrew Mackay (Bracknell) (Con): Last month in Finchampstead in my constituency, two youngsters, Steven Bayliss and Twood Nadauld, were cruelly murdered by knife. It would be wrong for the Prime Minister to comment on the specific case because it is sub judice, but would he reflect that it would be wise to restore full stop-and-search powers to the police?

The Prime Minister: We keep all police powers under close review. It is important, particularly in the context of the Violent Crime Reduction Bill, that we take whatever measures we can. I shall certainly pay close attention to the details of that case as it proceeds, but there is an opportunity for us to debate these issues when dealing with that Bill. My general predisposition, as the right hon. Gentleman knows, is that if the police desire additional powers, they should be given to them. There are many other issues that go along with stop and search that we must weigh carefully in the balance, but we should do everything that we possibly can to ensure that tragic incidents and crimes, such as the one that affected his constituents, are not repeated.

Q8. [16754] **Vera Baird** (Redcar) (Lab): May I welcome the Government's commitment to tackling the issue of women's pensions? However, only 16 per cent. of retired women have a basic state pension in their own right, because they are not properly credited in the national insurance system for their years of caring for children and older relatives. Will my right hon. Friend

commit to a change that will ensure that carers come into the pension system in the near future on the same basis as workers, because that is only fair?

The Prime Minister: We will look at the matter in the context of the Pensions Commission report. My hon. and learned Friend has raised a valid point, but it is worth pointing out that some 1.3 million women have been lifted out of absolute low income and some 700,000 women have been lifted out of relative low income because of the approach that we have adopted over the past few years. Two thirds of those who are entitled to the pension credit are women, half of whom are over 75, and almost all of the 2 million carers who will benefit from the second state pension are women. I agree with my hon. and learned Friend that we must examine how to go further, but those of my hon. Friends who were in the House at the time will remember the years when pensioner poverty was a constant theme. Although we must do more, the worst aspects of pensioner poverty have been tackled as a result of the policies pursued by this Government.

BILL PRESENTED

TERRORISM BILL

Mr. Secretary Clarke, supported by the Prime Minister, Mr. Secretary Prescott, Mr Chancellor of the Exchequer, Mr. Secretary Straw, Mr. Secretary Darling, Mr Secretary Hain and Hazel Blears, presented a Bill to make provision for and about offences relating to conduct carried out, or capable of being carried out, for purposes connected with terrorism; to amend enactments relating to terrorism; to amend the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 55].

Local Government Consultation

12.31 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I beg to move,

That leave be given to bring in a Bill to provide a statutory framework for full public consultation by local authorities in England whenever major developments are proposed by such authorities.

Those hon. Members who are currently scuttling towards the exit are, perhaps, on their way to talk to constituents, to take advice from their Whips or to listen to their secretaries. They are off to indulge in what everybody describes as "consultation". I wish that they would stay, because consultation is precisely what my little Bill is all about.

To consult is a laudable democratic principle. Every weekend, I consult my constituents: I consult my office, my family, the butcher, the baker and even the candlestick-maker—when he is not up to his wick in wax! I do not have to take a blind bit of notice of any of them, but we like to consult, do we not? We like to go through the motions of seeking opinion; we may not be convinced by all that we hear, but at least we have bothered to ask. As a matter of fact, I am a committed advocate of consultation, but I want it to mean something. I want the people who give us their views to know that we have taken notice and, perhaps, have even adopted some of their ideas. I want consultation that works, which is what this Bill is about.

Consultation has become a ludicrous buzzword. The Government swear by it—205 different consultations on new Government plans are currently under way, to which those of us with strong opinions and ample time are free to contribute our thoughts. There is, however, one small drawback: consultation does not involve any debate at all. The public are invited to pour in their opinion, which may be plagiarised, twisted or ignored.

The scale of the consultation industry reminds me of the old maxim, "divide and rule". There are now so many official consultations that it is well nigh impossible to keep abreast of them, let alone to contribute. In addition to the Government's 205 open consultations, all of which are listed on a website that is expensively devoted to that purpose, there is an even bigger list of the Government's closed consultations. For example, the Health and Safety Executive is consulting on regulations concerning vibration at work. My office in this building is underneath Big Ben, so I consider myself an expert on vibration at work. Under the rules that govern closed consultations, however, I am not expert enough, so, although my entire body shakes uncontrollably whenever the clock strikes the hour, as far as the Health and Safety Executive is concerned, I can get knotted.

Such are the small complications of consultation, but the big complications are much more serious. Consultations are voluntary, are not binding, and sad to say, are sometimes unworthy of the very paper that they end up being printed on. Making sure that consultation takes place at all is left to a toothless instrument of political persuasion—the vague, woolly and completely unenforceable code of conduct. Where would poor old Moses be today if God had handed him a code of conduct rather than 10 proper commandments? "Thou

[Mr. Ian Liddell-Grainger]

shalt not covet thy neighbour's ass" has more of a ring to it than, "Perhaps it would be better to leave the livestock alone."

If anyone wants to examine the William Shakespeare of codes of conduct, I invite them to scrutinise that devised by those matchless boffins of blether and bureaucracy, the Cabinet Office. This is how it sounds:

"Code 1. Consult widely throughout the process, allowing a minimum of 12 weeks for consultation."

What is meant by "widely"? Is that everybody, almost everybody, a chosen handful, or what?

"Code 2. Be clear about what your proposals are."

Clarity in government—that is a novelty.

"Code 3. Ensure that your consultation is concise and accessible."

How is one to do that?

"Code 4. Give feedback regarding the responses received and how the consultation process influenced the policy."

What sort of feedback?

"Code 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator."

In other words, hire a few more civil servants.

"Code 6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment."

Where would we all be without a regulatory impact assessment?

What the Cabinet Office does today, our local authorities are encouraged, cajoled or pretty well forced to do tomorrow. That is the problem. Codes of conduct are growing like Topsy. Consultations are bursting out everywhere about everything. They generate mountains of paper, they are not legally binding, and there are no set standards whatever.

Before the general election—the only bit of recent genuine national consultation in this country—I argued in my constituency that we could do with some proper consultation whenever controversial schemes are proposed by local authorities. I had in mind the plans of West Somerset district council to shift offices and redevelop land. Months later—years later—discussions about those plans are still going on. I am certain that there would have been far fewer grounds for argument or anger if the council had properly consulted people fully from the start.

First we need a decent definition of the word itself. The "Pocket Oxford Dictionary" suggests the following meanings:

"seeking information or advice . . . taking into consideration the views of people . . . considering feelings".

I am sure that every planner and politician in the land would endorse such sentiments and vow that consultation is a splendid part of the process—it is like motherhood and apple pie; one could not possibly disagree with the general idea—but with such a woolly meaning, consultation can be as good or as bad as planners and politicians prefer. The trouble is that too many planners and politicians are prepared to settle for the barest minimum when it comes to standards of consulting people.

I am sorry to say that the blame lies here in Westminster. This House has always fought shy of spelling out what consultation should be—how local people are canvassed, how local views are assessed, what account is taken of opinion, and how many meetings will be held. The remit to consult is written into all local government legislation, but the dotted i's and crossed t's have always been left to the locals and their codes of conduct. Basically, this House has copped out.

My private Member's Bill is designed effectively to put such procedures in front of Parliament. It will no longer be good enough for the transport authority to insert a tiny notice on page 103 of the classified ads in the local paper telling everybody what road is about to be closed, widened, re-rerouted or subjected to a half-baked new traffic management scheme. Under this Bill, the nature of the proposals would have to be crystal clear and they would have to be advertised so that people can see them. Local authorities would have to go out of their way to let people know what they are doing, and the Bill would specify how far out of their way they had to go. On the coastline in my constituency is a place called Hinkley Point, which is probably more famous for its nuclear power station than its landscape. Rumours abound that there might be a new power plant there—one day, perhaps soon. The need for a new and comprehensive consultation system is therefore urgent.

Critics may say that consultation costs money. In the short term, yes, there will be costs. However, paying for sensible minimum standards—specified high-profile newspaper advertisements, intelligible letters to householders, public meetings and the like—will surely save money in the long term. If planners and politicians listen to local opinion first and take action based on what people really want rather than on what the town hall thinks that they want, it can only lead to better decision making.

The inspiration for the idea was not merely born out of the confusion in West Somerset. I can cite hundreds of examples from up and down the country, where local authorities have paid lip service to the concept of consultation and reaped the consequences of unpopularity thereafter. Let me give one current example. Devon county council—my next-door council—decided, without the merest hint of asking anybody, to sell one of its most valuable assets, Exeter airport. One can picture the scene at Devon county hall: "I say old fruit, wouldn't it be spiffing if we flogged off the airport?" Did the council consult? No. Instead, it called in some expensive City types to offload the airport. No consultation whatever took place.

Guess what—the Government have rightly called in the decision to have it reviewed by the Competition Commission. The council could have avoided that. The tragedy is that local authorities are not doing anything wrong. They are obeying the law as it stands. However, the law as it stands is legless legislation. The law leaves interpretation of the word "consultation" purely to the town halls.

My Bill spells out the problem. It has the support of Members of Parliament from all parties. My Bill makes sense and I commend it to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Ian Liddell-Grainger, David Heyes, Kelvin Hopkins, Mr. Robert Syms, Mr. Ben Wallace, Stephen Hammond, Mr. Geoffrey Cox and David Mundell.

Local Government Consultation

Mr. Ian Liddell-Grainger accordingly presented a Bill to provide a statutory framework for full public consultation by local authorities in England whenever major developments are proposed by such authorities: And the same was read the First time; and ordered to be read a Second time on Friday 11 November, and to be printed [Bill 56].

Opposition Day

[6th Allotted Day]

Emergency Services (Regionalisation)

Mr. Speaker: We now come to the first debate on Opposition motions. I have selected the amendment in the name of the Prime Minister.

12.42 pm

Mrs. Caroline Spelman (Meriden) (Con): I beg to move,

That this House notes the overwhelming rejection of regional government in the referendum held in the North East in November 2004; regrets the ongoing transfer of powers to unelected regional quangos since the result, taking power away from democratically accountable local councils; rejects the proposals for the regionalisation of the fire service and the imposition of distant Regional Fire Control Rooms; expresses concern at the possibility of police forces being structured on a Government Office Region level, making the police less responsive to local people, and voices similar concerns over the restructuring of NHS ambulance trusts; disagrees with the Deputy Prime Minister's proposals for the regionalisation of emergency services as being a desirable, legitimate or necessary tier of governance; and demands that the Government dismantles the unwanted and unaccountable regional administration of emergency services.

The House may recall that, almost a year ago, on 4 November 2004, a referendum was held in the north-east on elected regional assemblies. The result was an emphatic no to regionalisation. Twelve months on, I am sure that colleagues are as surprised as me that the people of the north-east are still paying for a regional assembly, which 80 per cent. of them said that they did not want. Then again, everybody is paying for the roll-out of the Government's regional agenda. The difference is that in other parts of the country, people were not given the opportunity to reject assembles.

However, regional assemblies, the unelected and unaccountable quangos that have leeched power from local people, are merely the most obvious manifestation of a tide of regionalism, which is fundamentally changing the way that we are governed. The most recent and disturbing example is the regionalisation of emergency services.

The manner in which the regionalisation of emergency services was slipped out in the press during the summer recess shows just how sheepish the Government are about the announcement. I am sure that colleagues from all parties will, like me, have received many letters from people who are rightly concerned about the implications of the latest experiment in restructuring. From the signatures to early-day motion 229, it appears that at least 219 colleagues agree with those concerns.

It started with the regionalisation of fire control rooms. Now ambulance trusts and police forces are to be morphed into an unwieldy regional structure. Regionalism is such an abstract concept—even the word "regionalisation" smacks of bureaucracy and administrative jargon. The Government's concept of regions pays scant regard to the geography of our country and people's sense of identity. It fails the Simon Jenkins test—the Marbella test. When we bump into someone walking along the beach in, say, Marbella, and

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we ask them where they are from, it is hard to imagine someone from Banbury saying that they are from what the Government call "the south-east". Similarly, people in Scunthorpe would never say that they came from Yorkshire and the Humber. This just shows how artificial, contrived and arbitrary these Government-defined regions really are.

Tony Baldry (Banbury) (Con): What people in Banbury will say is that this regionalisation has practical implications. The emergency fire control rooms have to be kept going until 2009. When I went to the control centre the other day and met the staff, they said that over the next four or five years they were going to go and find other jobs. How are these things going to work? That is what people in Banbury are concerned about, not this daft regional experiment. They want to know what is going to happen when they dial 999 over the next few years.

Mrs. Spelman: No one is better placed than my hon. Friend to speak on behalf of the people of Banbury, and he entirely anticipates what I was about to say. Making an announcement such as this is bound to result in people looking for other jobs.

Dr. Tony Wright (Cannock Chase) (Lab): It is interesting that the hon. Lady mentioned the great Simon Jenkins just now. I should like to remind her that he wrote a book a few years ago which denounced the record of the previous Conservative Government for their ferocious centralisation and for what he called the "nationalisation of Britain". Is the hon. Lady recanting that part of her party's past along with everything else?

Mrs. Spelman: Perhaps the hon. Gentleman might like to read one of Simon Jenkins's more recent publications, "Big Bang Localism", in which he roundly denounces the Government's plans for regionalisation. He is a fierce defender of the traditional structures of our country with which people truly identify.

Sarah Teather (Brent, East) (LD): Will the hon. Lady give way?

Mrs. Spelman: I should like to make a little more progress.

The mechanics of regionalisation will sideline our counties and shires in favour of governmental units, which are not only culturally alien but undemocratic. In regard to emergency services, the measures will be hugely damaging. As no statement has been made to the House on these changes, I have had to rely on press reports. They seem to suggest that the number of fire control rooms is to be cut from 46 to nine, the number of ambulance trusts from 31 to 11, and the number of police forces from 43 to 23. There is not even any consistency across Whitehall on how to structure the regions. One of the lessons that we have all learned from New Orleans is that overlapping and confusing tiers of administration compromise our ability to respond in an emergency.

Mr. John Greenway (Ryedale) (Con): My hon. Friend said that there had been no public statement on these matters. Worse than that, there has been precious little, if any, public consultation. The Government who gave us the stealth tax are now introducing the stealth axe. Many of our services are being cut without any consultation whatever. England's biggest county, North Yorkshire, which stretches the same distance as that between London and Bristol, is going to have fire service control rooms out of county, a police force that will probably be run from West Yorkshire, and Lord knows where the ambulance service will come from, but it will also be cut under these plans.

Mrs. Spelman: I thank my hon. Friend for that intervention. I could not have put it better myself, but he puts it well on behalf of the people he is elected to represent, and I am sure that they will appreciate his raising these concerns in the House on their behalf.

In practical terms, we learned only yesterday that huge tracts of the country from Banbury to Folkestone were to be served by only one fire control room, in Fareham. When people in Gloucester call the local fire brigade, they will be speaking to an operator in Taunton, and the regional fire control room for the whole of the north-west, stretching right up to the border with Scotland, will be in Warrington.

At Prime Minister's questions, we heard the hon. Member for Staffordshire, Moorlands (Charlotte Atkins)—one of the Government's own—voicing her concern that one ambulance trust for the whole of the west midlands region would be unlikely to deliver a better service. Such views have been echoed by the chief executive of the Staffordshire ambulance trust, Roger Thayne, who said that there was

"no evidence that larger ambulance services are anything than more expensive and do not improve performance and save more lives . . . Services serving a population of more than 2 million cost more and save less lives."

The Government would do well to listen to one of their Members and to front-line practitioners in those services.

Mr. Mark Harper (Forest of Dean) (Con): In reference to the fire control centre in Quedgeley, Gloucester, my hon. Friend might be interested to know that there is not

"a better example . . . in the south-west than what we have managed to achieve in our tri-service centre."—[*Official Report, 15 March 2004; Vol. 419, c. 90.*]

Those are not my words but those of the hon. Member for Gloucester (Mr. Dhanda), who sits on the Labour Benches, in 2004. My hon. Friend is perceptive in picking up that many Labour Members are concerned about such moves locally, but no doubt they will sit silently, as the hon. Member for Gloucester will, as their Government steamroller through these plans.

Mrs. Spelman: I thank my hon. Friend for his intervention. The fact is that the Gloucester fire control room will be lost. Perhaps one fruit of today might be that the Government listen to concerns from both sides of the House, including from their Back Benchers.

It is amazing how many euphemisms there are for the word "cuts"— restructuring, rationalising, and dare I say, regionalising, all spring to mind. Were the roles reversed, and were we announcing cuts on such a scale,

the shrieks from the Labour Benches would be enough to shatter the new glass screen. Local emergency services will be mothballed and local knowledge and expertise will be lost.

Mike Penning (Hemel Hempstead) (Con): The Minister is, like me, a former fireman, and he knows that local knowledge of topography saves lives. Ultimately, I do not think that he believes in the regionalisation but has been told what to do by the Deputy Prime Minister. I believe passionately that firemen want to save lives, like I did. The Minister does not believe that what is going on is right—it will cost lives and he knows that it has done.

Mrs. Spelman: My hon. Friend makes a point about those who operate within the service and who put their lives on the line. I hope that he will speak in this debate and give us the benefit of his inside knowledge. I also hope that there is a chink in the Government's armour with a Minister susceptible to such important arguments.

I know that advances in technology can change the way that services are delivered, but anyone who has a car equipped with satellite navigation will know that it is far from infallible and that a little local knowledge counts for a lot. Common sense tells us that when it comes to providing emergency services, local knowledge is a precious commodity—speed of response is everything, and that can so easily be compromised by such practical issues as time lost through not being able to place an address or even a misunderstanding arising from an operator who is unfamiliar with the accent of someone in distress.

It is an issue not just of proximity, however, but of priority. Within a region, which area will get first call on where resources are targeted? It is nearly always the urban areas at the expense of the rural areas.

Damian Green (Ashford) (Con): Before my hon. Friend moves off the point about local knowledge, which my hon. Friend the Member for Hemel Hempstead (Mike Penning) has put eloquently in the case of the fire service, I want to draw to her attention the case of the police service. Recent surveys by Kent police have shown that the single biggest complaint of my constituents and others in Kent was that they were dialling 999 and getting people who clearly had no knowledge of the area in which they lived. That significantly reduced confidence in the police. If we get regional call centres, in which people will not even have heard of the town in which the emergency is taking place, public confidence in our police will be reduced. Along with the many other reasons that she has advanced, that ought to give the Government pause and get them to reverse this wretched policy.

Mrs. Spelman: I agree totally with my hon. Friend, and he will have heard from the support for his intervention that the experience of most of us is that the regionalisation of call centres for our police services is simply not working. It is unpopular with those of us who want to use the service and generally increases anxiety when a critical 999 call is being made. It is not working well.

In my constituency, police resources have been diverted into Birmingham, which has left outlying areas very exposed. When I asked my local chief constable why response times were so long in my constituency, he replied, "It's simple, Mrs. Spelman, as a police force we have 98 hot spots to focus on and none of those is in your constituency." With people forking out for way above inflation increases in council tax, they are entitled to ask why the Government can no longer afford to maintain local services.

That issue of resource allocation is part and parcel of accountability. Once the regional framework for such services has been established, they will no longer be answerable to the communities that they serve. By determining targets and priorities at a regional level, accountability is being eroded, and in the long term that can only make life more difficult for front-line staff. Historically, the strength of our emergency services has been partly derived from the support of the society that they serve, but by adopting a regional structure that crucial relationship is broken. How can a single body serving a region of up to 8 million people possibly be more responsive than a locally-based, locally-accountable service?

Over and above the advantages that we know we will lose by moving to a regional structure, what about all the risks that go with such a radical upheaval? I am not a natural pessimist, but the track record of this Government on delivering grand IT projects is not great. The tax credits and the Passport Agency fiasco bear witness to how badly things can go wrong, and the consequences of such a breakdown when it comes to providing rescue services is unimaginable. Obviously, the worst case scenario is loss of life arising from an IT breakdown, but even risks such as project over-run in terms of both time and budget will end up impacting on council tax bills. Yet again people will be forced to dip into their pockets and pay for the costs of regionalisation, which they never even wanted—costs that some estimate could run as high as £988 million for the restructuring of fire services alone.

What is the driver behind this headlong rush into regionalisation? Certainly, it is not that local people want it. As a project, it seems fraught with risks that are simply not outweighed by the benefits. I am no military tactician, but it would seem elementary that in the current climate, of heightened security, consolidating multiple emergency services into just one location makes the overall structure even more vulnerable to attack. If a regional centre is knocked out, I presume that the fallback would be another regional centre even further away. That smacks of putting all our eggs in one basket.

No one is going to be fooled by the packaging of these proposals. People can see that reorganisation is a cost-cutting exercise, not least because of the 1,300 or so jobs that will be lost in local fire control rooms. Although these changes will not be complete until 2009, as the hon. Member for Banbury (Tony Baldry) pointed out, the reality is that jobs will start leaching away from now, undermining the quality of the service in the interim. That will happen with all emergency services as regionalisation gathers pace. Attractive headlines such as "A New Era for NHS Ambulance Services", cannot mask the inevitable decline that will follow. Certainly, that will not satisfy an efficient ambulance trust such as

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Warwickshire, which makes half the number of patient journeys as London with just one tenth of the funding. Ambulance trust managers suspect that it is much more about the Government delivering their manifesto pledge to provide £250 million worth of savings in NHS administration. Surely it is the Chancellor who should be subject to efficiency savings and performance delivery targets rather than our front-line emergency services.

In whose interest is regionalisation really taking place? The ambulance service review said that trusts needed to be

"of a size to provide better financial, operational and resource management."

But there is no mention of the patients. Everyone knows that rural ambulances have to carry more kit because of the greater distances over which they have to travel, but will that get overlooked under regional procurement? I am not even convinced that regionalisation delivers cost benefits. It is rare for reorganisation to save money. It is not that we believe that no scope exists for amalgamating services; scope does exist, if doing so is practical and people want it. That is why we have set out an alternative "clustering" of local authorities, as and when they see fit. Such an arrangement will be more responsive to local demands and will better reflect considerations such as population, geography and infrastructure. It is a far more practical solution than a one-size-fits-all jacket of regionalisation. Above all, it ensures proper accountability.

Mr. Andrew Turner (Isle of Wight) (Con): May I provide some evidence to support my hon. Friend's assertion? Only last night, the now Conservative-controlled Isle of Wight council agreed to co-operate with Conservative-controlled Hampshire council on the provision of fire services. They did not need to amalgamate to provide an improved service.

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick) *indicated assent.*

Mrs. Spelman: My hon. Friend the Member for Isle of Wight (Mr. Turner) demonstrates the benefit of an entirely voluntary, clustered approach in which both parties see the benefit of the merger.

People at the front line know where and when to coalesce far better than a bureaucrat in Whitehall, so why do the Government not trust them and give them that freedom? This Government will not embrace clustering because to do so is to grant local authorities and service providers a degree of autonomy: in other words, it is decentralisation. No matter how hard the Government try to speak the language of localism, they still behave as if central Government know best. That is why regionalisation, in whatever form, is not a way of delivering localism; it is just a way of enforcing centralism. The evidence is there. The Government have created a plethora of unelected regional bodies in what amounts to a "quangocracy". The A to Z of this quangocracy covers art, biodiversity, climate change, fire, housing, industry, public health, rural affairs, social inclusion, tobacco, transport and waste.

Local people are finding that decisions directly affecting their lives are being taken by regional assemblies that they cannot hold to account. Who are these assemblies answerable to? They are answerable to nobody—except the Deputy Prime Minister. If that is localism, the mind boggles as to what form a dictatorship would take. If people are paying for them, do they not have a right to know what these unelected regional bodies are up to? Why are the regional assemblies exempt from the Freedom of Information Act 2000? The Lord Chancellor still has not replied to that question, which I put to him a week ago, so perhaps the Minister could do so when he responds.

Something tells me that that the Government are all too aware of the folly of this regionalisation programme. There are few—except the Deputy Prime Minister himself—who would rush to defend it, but in fact regionalisation has gone beyond being his personal plaything: it has become a proxy for sweeping cuts to our public services. Taxpayers have a right to know what has happened to their money. Has a risk assessment or a cost-benefit analysis of regionalisation been carried out? *[Interruption.]* The Minister says yes, so perhaps he we would like to publish it and make it available to Members.

When local police stations, fire control rooms and ambulance trusts are boarded up and the land used for the Deputy Prime Minister's so-called £60,000 houses, people will see how he and the Chancellor have conspired to scrap their local emergency services, and they will not thank them for it. There is no demand for regionalisation; the quality of our services will suffer and it comes at a high price. Surely now is the time to abort this disastrous regionalisation programme and to accede to the wishes of the electorate. The Deputy Prime Minister is playing politics with people's lives, putting his empire building before the public interest. The rest of us in politics understand that the public interest must come first.

1.5 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): I beg to move, To leave out from "House" to end and add:

"supports local, regional and national collaboration to improve public safety and health; welcomes the continuing reduction in fire deaths which Fire and Rescue Authorities have achieved in partnership with the Government and other stakeholders; welcomes the positive role played by local authorities in Crime and Disorder Reduction Partnerships and the fall in crime as a result; welcomes the public consultation under way to ensure police force structures protect the public from terrorism and organised crime, while continuing to provide responsive neighbourhood policing that meets the needs of local communities; welcomes the proposed managerial changes in ambulance trusts which will cut overheads and bureaucracy, while boosting investment in front-line staff and services for patients; and congratulates the Government on increasing expenditure on all the emergency services since its election in 1997.".

I speak on behalf of the Office of the Deputy Prime Minister as the Minister responsible for the fire and rescue service—one of the emergency services whose future has, we have just been told, prompted today's debate. Anyone reading the Opposition motion would be led to believe that our emergency services are either in difficulty or about to be so. With respect, that argument does not stand up to inspection.

I shall try to respond to the concerns expressed by the hon. Member for Meriden (Mrs. Spelman) by outlining exactly how much progress has been made in recent years, especially in the fire and rescue services. The Government's role in trying to deliver this progress has been clear. On the back of the 2002–03 fire dispute, we had the Bain inquiry—an independent review that recommended what Professor Bain called "supra-brigade co-ordination". He argued that local fire services could improve their effectiveness in saving lives by working together at regional level in key areas such as command and control. The June 2003 White Paper and the subsequent national framework documents set the strategic direction for the 21st century fire and rescue service—one in which prevention has joined emergency response as a core function.

Sarah Teather: Although the Bain review recommended co-operation, it also specifically ruled out the merging of services.

Jim Fitzpatrick: The hon. Lady makes a fair point; I was simply trying to explain that the Bain inquiry pointed in a particular direction. We are not trying to force amalgamations or mergers, but we do support co-operation and collaboration between county brigades where appropriate. As the hon. Member for Isle of Wight (Mr. Turner) mentioned earlier, such a decision was taken by the Isle of Wight and Hampshire fire authorities. We have discussed it and we know that it is a sensible move forward, and I will further discuss Professor Bain's recommendations in due course.

Mr. David Drew (Stroud) (Lab/Co-op): As my hon. Friend knows and as has been mentioned, we have the tri-service centre in Quedgeley, in Gloucester, which has been subjected to an initial evaluation. Will he now agree to a full evaluation, and will he talk to the various parts of that service—not just the management, but the workers—to see whether that model has some merit and could be applied in other parts of the country?

Jim Fitzpatrick: I thank my hon. Friend for that question. He has written to me about this issue and we have discussed it, and I will in due course explain in detail why we are not convinced that that model is the best one for 21st century fire brigades, and why the proposal on which we will deliver is the best way forward for England's fire and rescue services.

The fire and rescue national framework sets out the Government's priorities and objectives for the fire and rescue service. What both the authorities and the Government need to do is to achieve them. The framework provides clear direction from central Government, while ensuring that locally, authorities are free to continue to make their own strategic decisions about fire cover.

We have set overall public service agreement targets. By 2010, we want to cut accidental fire deaths in the home by 20 per cent. and deliberate fires by 10 per cent.

Mike Penning: You say that local authorities can choose whether to amalgamate. Hertfordshire and Bedfordshire fire authorities have chosen to do so and that is good practice, but such choice does not apply to fire control centres. They have no choice—you are imposing regional control centres on them.

Mr. Speaker: Order. I would never impose anything on anyone.

Jim Fitzpatrick: If the hon. Member for Hemel Hempstead (Mike Penning) can be patient, I shall discuss the specific arrangements and our proposals for fire controls in greater detail later.

As I was saying a few moments ago, we have set firm public service agreement targets to cut accidental deaths, injuries and fires in the home—targets that were attacked by some and criticised by many who said that the 20 per cent. cut in deaths was not ambitious enough and that we should have zero tolerance of fire deaths. However, it is our belief that setting this target is achievable, practicable and provides a good way forward for the immediate future.

Mr. Eric Pickles (Brentwood and Ongar) (Con): The Minister's ideas and targets for reducing deaths are laudable. To a degree, fire deaths are at a plateau in respect of the next series to be reduced, but surely the most logical approach is to tackle the problem of houses in multiple occupation. In particular, we should be thinking about using sprinkler schemes. The Minister is going to spend considerable amounts of money on reorganisation, but would it not be better spent on sprinklers and tackling the problem of houses in multiple occupation?

Jim Fitzpatrick: The hon. Gentleman demonstrates his familiarity with his subject. There is no disagreement between us that sprinkler systems are an effective way of protecting people, particularly the most vulnerable. I commend to him this morning's Westminster Hall debate with the hon. Member for Rochdale (Paul Rowen) on the very subject of smoke detectors. What I said there demonstrates exactly what the Government are trying to achieve through the development of domestic sprinkler systems, which we believe will protect the most vulnerable in our communities. I do not disagree with the idea of moving in that direction, but I am also saying that any savings made from the new regional control centres will be available for fire and rescue services to deploy for the better protection of their local communities. I shall say more about that in due course.

Richard Younger-Ross (Teignbridge) (LD): The former Minister, the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), who now sits on the Back Benches, was clear in Committee that the Government were looking towards taking action on sprinkler systems and that new legislation would be introduced in the form of building regulations. Can the Minister tell us when that is likely to happen?

Jim Fitzpatrick: The building regulations document is out for consultation at the moment and we expect the outcome of that consultation to be known shortly. I shall endeavour to supply the hon. Gentleman with the exact date in due course.

[Jim Fitzpatrick]

The Fire and Rescue Services Act 2004 put prevention at the heart of the Government's agenda for improving the fire and rescue service and created a new duty to promote fire safety. The Government are also reforming general fire safety legislation, ensuring that the responsibility for safety in non-domestic premises will rest with the person responsible for those premises. From 1 April next year, the Regulatory Reform Order 2001 will simplify the law, remove a bureaucratic regime of fire certification, and replace it with a modern risk assessment approach.

We are investing substantially in the service, including in new personal protective equipment for firefighters' own safety and new training facilities and opportunities. In particular, the training facilities for urban search and rescue at the Fire Service college are now regarded as the best in the world. Grant support is also targeted for local action to reduce arson and other fire risks. Under the home fire risk check programme, for example, we are funding to the total of £25 million a programme of visits to the 1,250,000 houses that are judged to be most at risk from fire to offer advice and practical help such as the free installation of smoke alarms. In the first six months of this year alone, 87,000 such visits took place and 91,000 new smoke alarms were fitted. I have already mentioned this morning's Westminster Hall debate on the subject, sponsored by the hon. Member for Rochdale.

In 2005–06, fire and rescue authorities received an average 3.7 per cent. grant increase and no authority received less than 2.5 per cent. In addition to that investment in fire prevention and mainstream emergency response, the Government are investing heavily in a new resilience framework—approaching £1 billion to create a national network of regional fire control centres, called FiReControl—a new radio system called Firelink and a new dimensions programme, which has seen us commit £180 million for mass decontamination, urban search and rescue, and high-volume pumping equipment to improve the capability of the fire and rescue service to respond to major disasters, including terrorist incidents.

David Taylor (North-West Leicestershire) (Lab/Co-op): The Minister knows from our discussion yesterday that I was lobbied by the fire control staffs of the five component counties of the east midlands, which will see their centres closed and relocated to the northern part of north-west Leicestershire. If he is so convinced of the strength of his case on regional centres, will he now announce that there will be an independent assessment of the business case that underpins a very expensive and quite risky project?

Jim Fitzpatrick: My hon. Friend raised that matter with me yesterday and he will recall that I suggested that if he listened to my full explanation, he might be persuaded that a full independent assessment was unnecessary. The Government certainly do not believe that such an assessment is needed. We believe that all the protocols of assessment within the Government have been observed and that the business case, as well as the professional and organisational case, clearly stand up to scrutiny.

Mr. Richard Benyon (Newbury) (Con) *rose—*

Jim Fitzpatrick: If the hon. Gentleman will forgive me, I have already spent 10 minutes, but I am only a third of the way through my speech. I will give way later, but we have only limited time and many colleagues wish to participate in the debate. If he insists, however, I will give way.

Mr. Benyon: I am grateful. Will the Minister respond to the point made by my hon. Friend the Member for Meriden (Mrs. Spelman) about the Government's lamentable performance on new information technology projects, which are absolutely key to success?

Jim Fitzpatrick: Yes, I shall deal with the issue later in my speech, but to anticipate, nothing that we are going to deploy in the new regional control centres has to be invented. Everything is already in existence and already deployed in fire control centres in different parts of the country. The problem is that only a minority of fire services have and enjoy the benefits, which we are going to roll out to all 46 English fire brigades so that the latest technology will be available to all.

I have said many times before that existing control staff do a good job, but that does not mean that we have a control system suited to the demands of the 21st century. To respond more fully to the hon. Member for Newbury (Mr. Benyon), with FiReControl, we will enhance the role of control staff with the latest technology, which has a proven track record with emergency services across the country. The new national network will make it possible to respond effectively to all incidents, however big, whether natural disasters or terrorist attack, and allow the service to deal with surges in demand that can currently overwhelm local resources. Should one centre be out of action because of loss of power or telecommunications, it will allow immediate fallback arrangements. It will underpin dynamic mobilising of appliances to help cut incident response times, resulting in saving lives and reducing property damage, as well as allowing data transfer from control rooms to the cab or fire appliances on the way to incidents.

Mr. Tim Boswell (Daventry) (Con): Will the Minister also explain whether the new system will be interactive in respect of information and control with police control systems?

Jim Fitzpatrick: The gold command structure has worked effectively from 7 July and the Firelink radio communication system will have interoperability, which is part of the modernisation process in communications.

In carrying all that out, we estimate savings of more than £20 million a year and a 30 per cent. reduction in annual running costs, with the money saved to be reinvested in the service. There is an overwhelming case on resilience and efficiency grounds for FiReControl, which will help deliver individual fire and rescue authorities' integrated risk management plans and be fully accountable to those authorities.

All that makes the Opposition motion particularly baffling, as we have freed the fire and rescue services from centralised state control. We have repealed section 19 of the Fire Services Act 1947, which meant that almost any change in local operational delivery required ministerial approval, and removed the outdated national standards for fire cover that forced local professional chief fire officers into a Whitehall-imposed straitjacket. We have thus moved the emphasis of protection for the fire and rescue service from buildings to people, and put the service under local control.

Tony Baldry: The Oxfordshire fire service does not want a regional fire and control centre. The Minister has talked a lot about resilience, but how will he protect the integrity of control centres between now and 2009? There are 22 jobs at Kidlington. Those people owe their families a duty of care, and they will drift away and find employment elsewhere. How will he ensure that the Oxfordshire fire and control centre will still operate between now and 2009?

Jim Fitzpatrick: The hon. Gentleman makes an important point, which is being addressed by local fire authorities, chief fire officers and human resources managers. My Department is also looking at its ability to assist in the transfer arrangements between now and 2009. We know that the majority of posts will be maintained, and we are confident that most control room staff will want to avail themselves of the new opportunities for better career paths in the new control rooms. There will be better facilities, and greater demands will be placed on the professionalism of staff, many of whom are under-utilised at present. However, not everyone will adopt the same approach, and it is clear that management will have to deal with that.

I was saying that I hoped that all hon. Members would welcome the integrated risk management plans, which respond to many of the needs of our constituents and communities. As has been noted in the past few minutes, people do not want to be told by Whitehall what to do and how to deploy resources. Throughout, we have sought to work with the elected members of fire and rescue authorities to modernise and improve the service so that we can achieve our common goal of saving lives, reducing injuries and preventing fires.

Jeremy Wright (Rugby and Kenilworth) (Con): My question may be hypothetical, but it is all too possible. A person who reports a fire in my area might not know the locality and so may not be able to describe the address. An operator in a regional fire control centre is far less likely to be able to fill in the gaps in that report than would be the case with a local fire control operator. Therefore, would not a regional fire control centre be less likely to save lives than a local one?

Jim Fitzpatrick: I shall draw two analogies for the hon. Gentleman. First, London has a single control centre that covers several hundred square miles, and a population of 7 million people who speak 300 languages. However, that centre's staff are among the most efficient in the country. By contrast, the Strathclyde centre deals with most of the west coast of Scotland, which includes both rural and metropolitan communities. The latest technology and the professionalism of our control staff mean that reports are being dealt with more efficiently than ever before. I strongly advise the hon. Gentleman to look at the modern control rooms that a minority of this country's fire brigades have. I accept that not every brigade has a modern control room, but we want to make the technology available to everyone. His question is a fair one, but the problem will be resolved by the use of modern technology.

Naturally, there is a regional dimension to this matter. The Government offices for the regions exist because, more than a decade ago, the Conservative Government of the time decided that it made sound organisational sense for different Departments to operate within the same geographical boundaries. The same logic—

Mrs. Spelman: The Government offices for the regions were set up originally to act as a one-stop-shop interface between Whitehall Departments, especially for people a long way from London. They were never conceived as an accountable body to which emergency services should be responsible. Does the Minister accept that the Government's policy of establishing elected regional assemblies has failed, and that the proposed regionalisation of the emergency services is not democratically accountable?

Jim Fitzpatrick: The world has moved on, and indirectly elected regional assemblies now exist. In the fire service, for example, there are regional resilience forums, through which the fire and rescue service can co-ordinate with other organisations how best to respond to natural disasters and emergencies. The London resilience forum has been working since September 2001. I respectfully suggest to the hon. Lady that its existence was what helped London respond so effectively to the bombings in July. It served as a clearing house for all the major organisations in business, emergency services, the voluntary sector and local authorities. It allowed those bodies to plan for such an incident, and we all know how well London responded when the time came. We need to establish the same structures at regional level in all parts of England, to ensure that the country is protected. That is a question not of ideology, but of basic common sense.

I turn now to the restructuring of the police force. At present there are 43 police forces in England and Wales, and for some time people have questioned whether that is the right structure. Police forces need to be able to tackle crime at all levels. They need to be able to deliver neighbourhood policing, and have the capacity and ability to meet the threats posed by terrorism, domestic extremism, serious organised crime and civil emergencies.

Concern has been expressed—not least within the police service itself—that the existing force structure is not fit to undertake both those critical roles. For that reason, in June 2004 my right hon. Friend the Home Secretary commissioned Her Majesty's inspectorate of constabulary to examine whether the service was sufficiently robust to handle the whole spectrum of its responsibilities. The HMIC's findings were published last month in a report entitled "Closing the Gap". It concluded that the existing structure was no longer fit for its purpose and that, below a certain size, there is not

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a sufficient critical mass to provide the necessary sustainable level of protective services that the 21st century increasingly demands.

Mr. James Gray (North Wiltshire) (Con): Will the Minister give way?

Jim Fitzpatrick: I am sorry, but I must make progress. The inspectorate looked at a number of options for restructuring the police service. It concluded that the creation of strategic forces offered the best solution, and my right hon. Friend the Home Secretary agreed. He has made it clear that he has no blueprint for restructuring, and that the process should be led by the police. He has therefore invited chief constables and police authorities to submit proposals for restructuring by 23 December.

Mr. Mark Francois (Rayleigh) (Con): Will the Minister give way?

Jim Fitzpatrick: I will in a moment. My right hon. Friend the Home Secretary is confident that the proposals for strategic forces will improve our capacity to tackle the most serious crimes, and therefore strengthen local policing. The bedrock for the delivery of neighbourhood policing is the basic command unit. That will not change. Local policing will continue to be delivered from local police stations, by locally based police officers, special constables and community support responding to locally determined policies.

In fact, far from putting local policing at risk, the creation of strategic forces will help safeguard neighbourhood policing. If a police force has the capacity and resilience to staff major crime teams or respond to public order incidents, it will not need to call on neighbourhood policing teams. If such capacity is not in place, local policing will suffer from abstractions to meet other demands. As I have said, police authorities and chief constables have been asked to submit firm proposals for restructuring by Christmas, and my right hon. Friend the Home Secretary will report to the House on those submissions in the new year.

Mr. Gray: The Minister is very generous in giving way. If his thesis is that big, by definition, is beautiful, will he explain why the City of London police force is being left alone? That force has national strength in the prevention of white-collar fraud, but it is the smallest force in England. Why is it not to be touched?

Jim Fitzpatrick: My right hon. Friend the Home Secretary is making progress on the basis of the HMIC report, and further information will be available in due course. However, it is to the HMIC that he will listen and the hon. Gentleman will be able to continue this dialogue when the various police authorities have made their submissions and my right hon. Friend has presented his report to the House in the new year.

Mr. Francois *rose—*

Jim Fitzpatrick: I turn now to the ambulance service. A full 12-week public consultation led by the strategic health authorities will be held on the future organisation of ambulance trusts. The Department of Health will propose that there should be 11 such trusts, but no final decision will be taken until local interests, patients and the public have been properly consulted. The proposed change is part of a wider review of ambulance services that sets out a compelling vision for the future. It will provide an extended range of service, take health care to the patient and offer fast, effective and convenient care at the first point of contact.

Dr. Tony Wright: My hon. Friend made a powerful case about the fire control centres, but he has a less powerful case in relation to some other services. In Staffordshire, we have a high-performing police force. I have an outstandingly successful local primary care trust and the Staffordshire ambulance service is the best performing ambulance service in the country with the best response times. Our approach to public services used to be based around the slogan, "What matters is what works." That was sensible. What is not sensible is to exchange that for a slogan of, "If it's working well, abolish it."

Jim Fitzpatrick: My hon. Friend makes a powerful point in defence of the Staffordshire ambulance trust, and I am sure note will be taken of his comments in the consultation, which is under way. We are not trying to replace what works best. We are trying to make sure that what works best works across the country.

Mr. Andrew Lansley (South Cambridgeshire) (Con): In relation to the police service, the Minister has just said that he is going to have a police service-led review. In relation to the ambulance service, he has been told by the Department of Health that the Department will propose 11 trusts. Why cannot he accept that the review led by Peter Bradley did not point towards 11 trusts but to maybe 20-plus? Also, if the review were ambulance service-led, there would be a different solution. Why will he not have open consultation on the basis of an ambulance service-led solution?

Jim Fitzpatrick: I disagree with the hon. Gentleman; the consultation is open. I have indicated that, at the conclusion of the submissions, my right hon. Friend the Home Secretary will report to the House in due course. Clearly that will provide opportunities to colleagues to make their feelings known.

It is our belief that ambulance trusts need to be of a size that enables appropriate investment in people and resources to underpin current and future services. These proposals will ensure that resources are targeted where they are most needed in improving patient care and supporting the front line. It is not about reducing frontline service provision. Local innovations and successes will not only be preserved, but will be shared to the benefit of all patients.

We have an opportunity to lift the quality of the lowest and to set a new high benchmark where world-class services are provided for patients wherever they live. Nor is it about one trust taking over another; it is about new trusts that provide efficient and effective locally responsive ambulance trusts that meet patient needs. We believe that these proposals will put the NHS in the best position to provide convenient, consistently high-quality and appropriately mobile health care for

the people of England. I am sure that the Minister of State, Department of Health, my hon. Friend the Member for Doncaster, Central (Ms Winterton) will be saying more about this in due course.

Mr. Francois: I thank the Minister for his courtesy in giving way. May I take him back to policing? The Government seem convinced that big is beautiful. They are trying to press chief constables to have fewer and fewer divisions and are now threatening to get rid of well established county forces such as Essex. How will having fewer and fewer divisions and getting rid of the Essex police force make that force more accountable to the local people whom they are supposed to serve?

Jim Fitzpatrick: I remind the hon. Gentleman that one of the big successes in recent years, certainly in London, has been neighbourhood policing; dedicated teams in the locality that are connecting with local people and local representatives, whether these are democratically elected or community groups. As I said, the measure will give capacity to allow forces to deal with the big incidents and challenges of the 21st century, while being able to be responsive to local needs and to deal with local problems, which is what people want most. That is a success story that we are rolling out across the country.

Finally, over the summer recess, I have had the opportunity to visit a number of fire and rescue services across the country. These visits have given me the opportunity to see at first hand the excellent work going on locally, especially new work on community safety, including youth intervention schemes and the growing use of co-responder schemes in which, again, the emergency services work together.

Fire and rescue authorities have in general responded well to the challenge presented by their new responsibilities. The combination of national strategy and investment with local delivery led by elected fire and rescue authority members is working. Nowhere is this clearer than in the voluntary regional management boards, where Conservative and Liberal Democrat members work alongside their Labour colleagues to provide the best service for their communities. They know how important it is to support the fire and rescue service, and the improvements can be clearly seen on the ground.

Our approach—I am sorry to disappoint the hon. Member for Hemel Hempstead (Mike Penning), but I do firmly believe in our approach—has the full backing of the Chief Fire Officers Association, who lead a practitioners' forum that gives us expert professional advice, the Local Government Association, who are key partners in modernisation, and the stakeholders represented in our business and community safety forum.

I pay tribute to our whole-time, day crewing and retained firefighters as well as to other fire service staff who serve our communities well. We know that, regardless of debates about geographic boundaries and management structures, the Fire and Rescue Service will continue to work with local people, elected representatives from all parties and other emergency services to give the public the protection and the help they expect and deserve.

1.36 pm

Sarah Teather (Brent, East) (LD): We should begin by scotching the first myth of this debate: that Labour started the process of quangocratisation. *[Interruption.]* It is a long word, is it not? It is a good way to start. In 1994, the Conservatives invented a system whereby the Home Office appointed independent members to police authorities, thereby separating the relationship with county councils and, in effect, quangocratising it.

Let us not pretend that the Conservatives oppose regional quangos. In London, they abolished elected regional government and replaced it with a host of regional quangos, such as the London planning advisory committee, the London research centre and the London ecology unit. They did not oppose that then and they do not oppose it now. They are going through a phase of claiming to champion local government—probably because they have lost faith in their ability to get into government nationally.

In office, the Conservatives were responsible for some of the worst crimes of centralised tyranny and affronts to local democracy—for example, universal and arbitrary rate capping and the nationalisation of business rates. Despite their high moral tone today—it sticks in my throat even more than my October cold, which, forgive me, has made me cough throughout the debate so far—there is little substantive detail in their policies on localising power.

The Conservatives' polices to abolish quangos leave a lot to be desired. Before the election they promised to abolish 168 quangos—a swathe of quangos, particularly in the Department of Health, that the Government were already abolishing. Another group of quangos on the list had not met for 15 or 20 years. Of the others, the majority had been proposed for privatisation or renationalisation. I do not call that an expansion of local democracy. The only quangos whose powers would be returned to local government were regional assemblies, regional observatories and regional housing boards.

If the Conservatives want to defend local accountability, why on earth are they so opposed to regions? The main reasons are some kind of strange conspiracy theory about Europe, concern about the committee of regions and a perceived threat to county councils, when instead they should be making proposals to devolve power from central Government.

Let us have a look at Labour. Regions were already a fait accompli when it came to power because the Conservatives had developed the regional offices. Labour, however, did have a good idea that we supported, although we disagreed on some of the details, which was to make regional government accountable. We supported the proposals to establish elected regional assemblies across the country because they would deal with the democratic deficit of regional government, which at present is unaccountable. We did not think that the proposed devolution went far enough and we disagreed with the compulsory link with local government reorganisation. That is history: the question now is how we move beyond the north-east referendum.

Mr. Gray: Does the hon. Lady agree that more important than what the Liberal Democrats think is

[Mr. Gray]

what the people think? In the north-east of England, 78 per cent. of the people said that they hated the idea of elected regional assemblies. Does she want to go against the will of the people?

Sarah Teather: That is precisely the point. The people in the north-east rejected the proposals, yet, regardless of their views, Labour is ploughing ahead with the regional agenda. Our view is that governance without accountability would be a massive step backwards.

Perhaps Labour has achieved what it wanted all along, because the regional quangos are still in place. Unelected bodies with a membership largely appointed by ministerial fiat tend to do what they are told. If they do not, they can be overruled with impunity. However, if the Labour Government were true to the democratic traditions of this country, they would seek to reform those bodies to make them more accountable, not less accountable, and more in touch with their local communities, not less. Instead, vital services will become even more remote from the people they serve.

What of the pragmatic details of regionalising emergency services? Hon. Members would expect me not to subscribe to the view that big is beautiful, but the existing 43 police authorities vary considerably in size and capacity. I accept the scope for reviewing relationships across forces, but why will the process be so top-down? The Minister suggested that it would be led by police from the bottom up, but will he give us an assurance today that if police authorities oppose the proposals to merge, they will be allowed to retain the forces that they believe to be best for local people? Perhaps that question could be answered in the wind-up. At a time when everybody says that they want more community policing, the priority should be to make the police more local, not more distant.

David Howarth (Cambridge) (LD): My hon. Friend makes a good point, and the Minister failed to respond to hon. Members who made similar points earlier. If a police force is organised to be more efficient for a small number of rare but serious crimes, police authorities will focus on those crimes to the detriment of local community policing. I do not see how that can fit with the Department's emphasis on communities and neighbourhoods.

Sarah Teather: My hon. Friend makes a valuable point about the danger of skewing police operations towards rare incidents. I understand that responding to such incidents eats up the resources of small forces, but there must be other ways of addressing that problem. For example, we could have a national resources unit, with senior officers and experts who could provide back-up in complex cases. That would be better than proposing to run rural policing in Cornwall from Exeter or, even worse, Bristol, which would feel a long way from people who live in rural Cornwall.

The Government have proposed much structural reform but have failed to account for the existing fundamental flaw in police authority structures—that they are tax-raising bodies but are not elected. Police authorities have put up their council tax precepts by 150 per cent. since 1997—double the figure for councils—but there has been no outcry. It is the councils who bill people, collect the money and take the blame. No one begrudges the police the extra money that we know they need, but what happened to the principle of no taxation without representation? The Government should consider ways of making the police more accountable. The Liberal Democrats are consulting on our policies following the result of the north-east referendum, and we will look for ways of making police and other services more democratically accountable.

One of the options—of many—that my colleagues have raised is the provision of policing contracts with local authorities. Each council would negotiate a local policing contract with the police authority, based on an agreed local policing plan and a minimum service agreement. The contract would specify the level of funding for the police authority and set out the minimum deployment of police and community support officers in each district or borough.

We must also abolish the byzantine system of appointment for independent members of police authorities. We would remove the role of the Home Secretary and have a more transparent, locally controlled process that would be far more in the hands of local people. The Government are quiet on such issues, but why are they not thinking more boldly about how to make police authorities and other structures more accountable?

Rob Marris (Wolverhampton, South-West) (Lab): I invite the hon. Lady to visit the west midlands, which has the largest police force outside London. We have neighbourhood policing, with operational command units—as we call them, although other forces call them basic command units—that work well and provide the local focus. She might need more information about the work of the Office of the Deputy Prime Minister, because the police are intimately involved in local area network arrangements—which we have pioneered in Wolverhampton—and I think that ultimately there will be more accountability in policing budgets. The devolving of power is already working well in our large police force, so amalgamations in the greater west midlands are driven by the needs of forces such as Warwickshire for the specialist services to which she refers.

Sarah Teather: My point was that such issues should be locally determined. In some areas, it is right and proper that forces work together, but the west midlands is geographically different from the area that would be created by linking Norfolk, Suffolk and Cambridge, with far greater numbers of people involved.

Fire services have been the predominant issue in the debate. Ironically, the Conservatives have supported the Fire Brigades Union's line. The hon. Member for Meriden (Mrs. Spelman) has not yet revealed whom she intends to support in the Conservative leadership contest, but perhaps she has given us a little clue today.

Mike Penning: As a Conservative MP and former member of the FBU, I can say that I am proud of my links to the FBU, which does a fantastic job for its members.

Sarah Teather: That is an interesting observation and perhaps evidence of a lurch to the left by the Conservatives.

As the Minister said, the impetus for fire service reform came from the Bain review, but it focused on the need for more fire prevention, rather than just firefighting, and that can be achieved only by a community-based force. Bain specifically advised against regional reorganisation and instead proposed regional co-operation. He suggested that co-operation could achieve all the benefits without major organisational structure change. However, the Government's response ignored Bain's advice and set out to establish regional fire authorities as part of regional assemblies. Once the wheels came off the plan for elected regional assemblies, the Government ploughed ahead regardless. Had fire services been accountable to elected regional assemblies, that would have dealt with the democratic deficit created by an unelected tax-levying body, but without the democratisation of regional government the major structural reorganisation has little genuine benefit for local people.

Mrs. Spelman: I commiserate with the hon. Lady on her present ill health. I have listened carefully to her argument about the breakdown in the logic behind reorganisation. Did she say that her party is consulting on whether it should still be committed to elected regional assemblies, or is it still committed to them? I would be grateful for clarification.

Sarah Teather: We are consulting on what we should do following the north-east referendum. We accept that the proposals on offer were rejected, but many other options are possible. Some form of regional government is necessary to democratise the present systems. That could be achieved in many different ways and I do not wish to prejudge our review by discussing it in detail now. I would be happy to discus the issue in detail with the hon. Lady at some other point.

The Minister mentioned national resilience, but serious emergencies require serious contingency planning that would, by its very nature, require co-operation between services. Where would the process stop? Does the Minister suggest that it would be worth consolidating all functions into one giant structure, just in case it needs to be run from Downing street? That cannot be the way forward, although I recognise the Government's tendency towards it. Is it necessarily any more resilient to have nine large control centres instead of 46 smaller ones? The impact of taking one centre off-line would be huge.

There is no perfect solution, but compulsory regional fire control rules out the possibility of co-operation between emergency services. The hon. Members for Forest of Dean (Mr. Harper) and for Stroud (Mr. Drew) have spoken already about the successful tri-service control centre in Gloucestershire. Would that have to be broken up under the current proposals? It looks as though it would.

The regionalisation of fire services would break the links with local communities, and the same would be true of policing. We need a fire service that is much more integrated in communities, especially if we want it to deal more with prevention. What about the Divali prevention of fire campaigns that are almost certainly going on up and down the country at present? Should the one in Bradford be run by a city somewhere on the other side of the country? I do not think so. That is not the way to deal with local considerations.

Mr. Andrew Turner (Isle of Wight) (Con): Does the hon. Lady agree that the Minister's example of the way in which regional planning works was drawn from London? London is one place, unlike the south-east, as the Department of Health recognises. The Department has offered the Isle of Wight the opportunity to continue to have its own ambulance service, because it realises that the south-east is not simply one place.

Sarah Teather: The hon. Gentleman makes a fair point. There is a tendency to view structures that work in one area as easily transplantable elsewhere. We see that with many of the Government's ideas about city regions in the north. Their ideas might work perfectly well in some areas of the north of England, but they will not transfer well to the south-east or east of the country where the relationship between cities and rural areas is not the same. We have to accept that the one-size-fits-all approach will not deliver the improvements in service delivery that we want. It will certainly not improve democratic accountability.

There seems to be no obvious logic to the structural reorganisation proposed for ambulance services. The Government seem to have picked a random size for new ambulance trusts that ties in with none of the other tiers of administration in the national health service. Instead of reforming ambulance services into arbitrarily sized organisations, the Government should consider integrating services with hospitals and emergency care. How will it be possible to do anything sensible if trusts are not coterminous with anything already in the system? A modern ambulance service is not just about driving injured people to hospital; it is staffed by highly trained paramedics who increasingly treat casualties at the scene.

The proposed move will tear a hole in any attempt to connect the ambulance service to the rest of the NHS. Why move to larger authorities? There is no evidence to suggest that it would be more efficient or would save more lives. We have already heard quotes from the chief executive of the Staffordshire ambulance trust, who is extremely concerned. We should listen carefully to people on the ground with experience of running such services who say that a move to larger structures will not help to improve the service to patients.

Mr. Kevan Jones (North Durham) (Lab): I can give the hon. Lady an excellent example from the north-east, where the North East ambulance service has been in existence for nearly 10 years. It cuts across two strategic health authorities and numerous trusts. In the summer, I had the honour of spending a night shift with the paramedics, who found none of the problems that the hon. Lady is outlining. Furthermore, more money was coming in for new technology, which helped them to do their job.

Sarah Teather: I am sure that the North East ambulance service does an extremely good job, but I return to my earlier point: the fact that something works well in the north-east does not mean that the same structure will work well if it is applied somewhere else.

[Sarah Teather]

The Government are reorganising all our public services, but that makes a mockery of the claim that the new terms of reference for Sir Michael Lyons will deal with all the possible things that might come under local government. By the time he gets around to considering them, there will not be much left for local government to do.

We are holding the wrong debate; we are talking about structures when we should be talking about accountability. The debate should be about how we can fit structures into our elected organisations and then put them under the control of elected representatives. Our party is conducting a major review of how local services should be delivered and by whom, but at the heart of our thinking will be the principle of accountability. We have learned that when 77.9 per cent. of people vote against something that we want to do, we do not plough ahead and do it regardless. Taking note of those views is accountability. That is what we should do when we are elected and it is something that the Government need to learn.

1.54 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I declare an interest, as I have recently been invited to take on the chairmanship of the Fire Protection Association—

Rob Marris: Did my right hon. Friend accept?

Mr. Raynsford: I have accepted and the position has been approved by the advisory committee on appointments for former Ministers, with the caveat that I should not indulge in the lobbying of Ministers for a year from the time that I ceased to be one. I hope that nothing I say now will be seen as lobbying Ministers.

I am astonished that the Opposition should table a motion about the emergency services with no reference, let alone a tribute, to the performance of our emergency services who responded so magnificently to the problems that occurred on 7 and 21 July— *[Interruption.]* I make that comment only about the motion on the Order Paper. I was about to offer an apology to the hon. Member for Meriden (Mrs. Spelman) because I was unable to be in the Chamber for the first few minutes of her speech as I was at another meeting. She may have corrected that— *[Interruption.]* I was making the point that the motion setting out the Opposition position made no reference whatever to the performance of the emergency services, and I stand by that.

Mrs. Spelman *rose—*

Mr. Raynsford: The hon. Lady should listen to this. Even more astonishing is the fact that the Opposition have drawn a veil of silence over the proposals for reorganisation that they touted over the previous three years. How many times can we recall hearing the Opposition criticise our arrangements for enhancing and improving the capacity of our emergency services to cope with whatever might be thrown at them with the continued refrain, "You aren't doing as well as the Americans. You ought to have a department of homeland security."? How many times did Opposition spokesmen tell us to set up a department of homeland security? Why are they now so silent about that? I give way to the hon. Lady and invite her to comment on why the Opposition have forgotten, in the aftermath of Hurricane Katrina and the performance of the American department of homeland security, their espousal of such a structure in the UK?

Mrs. Spelman: I want to address the accusation that we had not paid tribute to the work of our emergency services. The right hon. Gentleman acknowledged that he had not been in the Chamber for the whole of my speech but, before he came in, I made the point that at least two Members present had been directly involved and served with the emergency services and I said how much I respected those who put their lives on the line. It is dangerous for the right hon. Gentleman to call into question our sincerity on that point when he was not present. As for the rest of his diatribe, I think he was trying to change the subject. He is a respected specialist on the whole subject of local government and its remit, but I wish that he would save his ire and frustration about what is happening and direct it at his own Front Bench.

Mr. Raynsford: The hon. Lady's intervention entirely ignored my point, which was that the Opposition motion made no reference to the performance of the emergency services and paid no tribute to them. That is an interesting comment. Secondly, her feeble attempt to skate over her party's commitment to an expensive and unproven reorganisation of the structure for oversight of the emergency services is also interesting—

Mr. Harper *rose—*

Mr. Raynsford: I am delighted to give way to the hon. Gentleman, who put that proposition for reorganisation to me many times over the past two years. I look forward to hearing his justification.

Mr. Harper: I was not an MP until May this year, so I do not think that I did.

To refer to the right hon. Gentleman's earlier point, I notice that the Government amendment to our motion pays no particular tribute to our emergency services, so perhaps his criticism of my hon. Friend should be directed at the Treasury Bench.

Mr. Raynsford: I apologise to the hon. Gentleman. My eyesight is not good and I mistook him for another hon. Member.

This is an Opposition day debate. It is the Opposition's motion and I stand exactly by what I said. Not only did the motion pay no tribute to the work of the emergency services, or even mention it, but the Opposition have entirely glossed over their misconceived commitment to a major, expensive reorganisation to create a department of homeland security which, as we have seen in the American example, did not perform as well as its advocates on the Conservative Benches might have liked to think it would

by comparison with the performance of our emergency services on 7 July, to which my hon. Friend the Minister—

Madam Deputy Speaker (Sylvia Heal): Order. Before the debate gets—dare I say?—a little heated, I remind all hon. Members that we should be discussing the Opposition motion and the Government amendment.

Mr. Raynsford: Thank you, Madam Deputy Speaker.

I want to say a little about the fire service. As the Government amendment rightly highlights, the fire service has been making important progress in achieving reductions in fire deaths and improving safety. That is the overriding objective. The new legislation, which I had the privilege of taking through the House during my time as a Minister, established a new priority of saving lives, as one of the service's key objectives, as my hon. Friend the Minister rightly said. Fire prevention is now absolutely on the agenda as a prime responsibility, something that had not been conceived of when the 1947 legislation was introduced.

Rob Marris: Is my right hon. Friend aware that the West Midlands fire service has been doing preventive work for many years, has one of the best records in that respect and is one of the largest fire services in the area? Large fire services can do very good preventive work and I pay tribute to the brothers and sisters in the West Midlands fire service for what they have done.

Mr. Raynsford: I wholeheartedly concur with my hon. Friend, who rightly highlights the good work that is being done in a number of fire authorities. Such work is being accelerated as a result of the White Paper, the legislation and the additional funds, to which my hon. Friend the Minister rightly alluded, that are being used to promote fire safety and ensure the greater installation of smoke alarms, particularly in vulnerable people's homes. It is astonishing that the hon. Member for Meriden referred to cuts in expenditure on emergency services. When the Conservative party was in government, the fire service did not have the equipment that it now has to deal with the new dimension of terrorist incidents.

Mike Penning: Will the right hon. Gentleman give way?

Mr. Raynsford: I will give way in a moment, but I remind the hon. Gentleman about the underfunding of the fire service in the past. He will know about that only too well, but he will also know that the new dimension programme has been fully funded by the Government.

Mike Penning *rose—*

Mr. Raynsford: I will give way to the hon. Gentleman; I ask him to restrain himself.

As a result, fire authorities are now far better equipped to cope with a range of disasters, including flooding, with high-volume water pumps, and rescuing people from collapsed buildings, with urban search and rescue equipment. They are also getting additional funds to ensure that fire prevention and fire safety work can be given the priority that it deserves. That was not the pattern when the Conservative party was in power, and it is outrageous for the hon. Member for Meriden to suggest that the funding has been cut by a Government who have been fully funding the response to the new pressures on the fire service.

Mike Penning: Perhaps we could talk about cuts today in Hertfordshire. Given the lack of funding, two brand-new appliances will not be required any more because the Government are closing two retained fire stations. Those are cuts today, not cuts eight years ago.

Mr. Raynsford: I am afraid that the hon. Gentleman makes a great mistake if he goes from the particular to the general. Obviously, there will be changes and it is right that there should be. The old arrangements were inflexible and made it difficult for fire brigades to change the deployment of crews and equipment to meet today's threats. Those arrangements, based on 1940s legislation—he will be familiar with that—emphasised the protection of buildings. Although that is important, we believe that the saving of lives is more important. The new legislation rightly puts the focus on saving lives and fire authorities throughout the country are reviewing their arrangements to put a greater emphasis on that.

Mike Penning *rose—*

Mr. Raynsford: I have given way to the hon. Gentleman, and I want to make progress.

Yes, the result is that there are changes. I have accepted the removal of one appliance from a station in my constituency, having looked carefully at the figures, which show, as the London Fire and Emergency Planning Authority demonstrated, that there would be a better prospect of saving lives by moving an appliance from one of the Greenwich stations to Sidcup because today's threats are different from those that existed in the 1940s, when a lot of the provisions were initially put in place. Any good service must seriously consider the need for change to take account of today's pressures and threats. We cannot ossify arrangements based on past patterns. Some change is necessary, but to talk about cuts is nonsense when the Government are increasing funding, as my hon. Friend the Minister has stressed.

I want to talk about a little more about fire control, because some hon. Members made some misleading comments in their contributions on the issue. The fire control arrangements are designed to ensure that every fire authority in the country has the use of the best modern equipment to ensure that it can deploy resources as effectively as possible to meet whatever risks are faced. The new technology is not a leap into the unknown, as some people have suggested when referring to IT.

Those who have any doubt about the technology should visit fire brigades such as Norfolk or Merseyside, where it is already used successfully. It allows a lot more than is possible in most other areas. It allows automatic identification of where the call is coming from. In Merseyside, that has now been extended to cover calls from mobile phones, which present an increasing pressure on the service. It also allows the automatic mobilisation of the appliances that are closest placed to

[Mr. Raynsford]

respond and ensures that the crew in the cab will automatically receive a printout that identifies the hazards that they might encounter at the site that they are going to. Every fire authority in the country should benefit from those state-of-the-art arrangements. Fire control will ensure that they do.

It has been suggested that local knowledge will be lost. Such knowledge has not been a major factor for fire control operations for many years since computerised gazetteering was introduced. Even in the existing authorities, it is unrealistic to expect a fire control operator to know the location of every village and town in a county, or every street in London, which already has a region-wide fire control operation. That is not possible. The new technology obviates that need because it presents the operator with a screen showing exactly where the call is coming from and where the appliance best placed to respond is. The red herring about local knowledge should be set aside.

The other factor, which cannot be set aside, is the huge savings that are possible by introducing the new system across the country, with a smaller number of much more efficient control centres, thus allowing the savings to be ploughed back into fire prevention—exactly the thing that we know will save lives.

The hon. Member for Meriden looks doubtful, but one of the statistics that I remember best from my period as the Minister responsible for the fire service is that half the people who die in domestic fires are dead before the fire brigade is alerted to the incident. However good they are—they are very good at responding to incidents—and however quickly they get to the site, they cannot save those lives. Prevention is critical if those lives are to be saved. If, as a result of making savings on fire control, some of those resources can be used to put more smoke alarms into vulnerable people's homes and to carry out more fire prevention work in the first place, more lives will saved. This is a sensible policy that is designed to give the best results.

Mrs. Spelman: I looked doubtful because I do not see the logic in the right hon. Gentleman's argument. If Norfolk, which he cited, is so successful with new technology, it does not automatically follow that things need to be restructured regionally. We could simply share best practice. He may be happy to lose one of the two appliances that he mentioned, but fire stations have gone from two to one appliance overnight throughout the west midlands. That is a cut.

Mr. Raynsford: I am afraid that the hon. Lady is exaggerating and not giving an accurate picture. I considered that argument very carefully, as any hon. Member would when presented with a proposal to remove an appliance, and I was convinced, when I had scrutinised and questioned the authority, that that was the right decision. Hon. Members should do that and not have a knee-jerk reaction and exaggerate, as the hon. Lady has done in implying that appliances are being taken out all over the west midlands. That is simply not the case.

The Norfolk technology is good, but it did not extend to mobile phones when I saw it. Merseyside has moved on and its technology covers them. Clearly, we need the best modern technology, with the greatest capacity, installed throughout the country, but it would simply not be economic to do so on the basis of the existing 46 control centres. In many cases, they are not organised well to respond. They may have sufficient staff to respond to any possible incident, but many of them will not have much work to do for a lot of the time because of the relatively small volume of calls.

For example, I looked at the figures for the Isle of Wight and I could see that, on average, a control room operator would expect to deal with probably no more than one incident in the entire shift on which they were on duty, because it is necessary to have sufficient staff on duty at any one time to cope with potential surges. That is simply not economic, and that is why the Isle of Wight has recognised that it cannot go on as an independent fire control centre.

By contrast, London is already organised on a regional basis and the fire control centre covers a much larger number of calls, so it is operating on a far more cost-effective basis. It gives as good a service, if not a better one, and does so with significant savings that then allow more focus on fire safety. I talk to the chief of the London fire brigade from time to time and he strongly emphasises his service's real commitment to driving down the number of lives lost unnecessarily in fires. That commitment is the result of the Government's policy and of the potential for making savings through an intelligent approach towards facing today's risks.

I thought that the speech of the hon. Member for Meriden and the Opposition motion were among the feeblest that I have come across in the House for a very long time. They indicate thinking that is stuck in the past and that shows no recognition of the failure of their abortive approach to reorganisation and to a department of homeland security. They show no willingness to engage in the serious debate—not the token debate with Opposition motions that are not worth the paper they are written on—about how to improve the fire service, save lives and ensure that we have the best and most effective service.

I hope that the House will reject the opportunistic Opposition motion and treat it with the contempt that it deserves.

2.11 pm

Mr. Tim Boswell (Daventry) (Con): I am grateful to have the opportunity to participate in the debate and to follow the right hon. Member for Greenwich and Woolwich (Mr. Raynsford). He at least has the benefit of knowing a good deal about this subject and made aspects of his case quite strongly. I would say to him and to the House that I take a pragmatic view of administrative structures; I want structures that work and that can handle and make the best use of modern technology in the interests of my constituents and others. We all move about the country, and we do or do not benefit from the situation in the area in which we happen to be at the time.

I am in no sense, and never have been, what I would call a visceral anti-regionalist. I confirm the analysis of my hon. Friend the Member for Meriden (Mrs. Spelman) on the genesis of the original Government office structure. I was Department of Trade and Industry Whip at the time that that was being

thought about, and it was very much a matter of co-ordinating the national effort of the various Departments in the regions rather than seeking to take over or administer major aspects of service delivery. Indeed, I pursued that strategy as a Minister in relation to some educational components in the process and later, as an Agriculture Minister, I worked closely with a regional structure. Although such a strategy is not unthinkable, I take odds with it when it brings in large elements of additional bureaucracy and further structures that may not be appropriate and that may dilute the democratic structures in place. My interest is in sensible co-operation to achieve the right technical result, not in fitting the services to a regional template irrespective of the benefit or otherwise. That is what motivated me to participate in the debate, and I wish to make several points to support my view.

I am genuinely concerned about the nature of the consultation. It is perhaps no good for us as Members of Parliament to get pompous about that, but it is something of an outrage that the major proposals for the fire and ambulance services, the wider health service and the police authorities were not notified to us by communications from Secretaries of State. Indeed, if the proposals were all part of an integrated strategy that the Government wish to pursue, they might at least have told us.

The problem goes further. I genuinely believe that consultation can be beneficial and that it is sometimes a good idea to ask Members of Parliament, as the primary elected representatives for their constituencies, to participate in the process. That is as much in the Government's interest as it is in ours. I know that the Minister is an entirely reasonable fellow, and I hope that he will want to take some of these points on board.

Mr. Philip Hollobone (Kettering) (Con): I arrived back at the House this week to find that I had been sent through the post—I am sure that my hon. Friend has received it too—the latest newspaper from the Northamptonshire police force. Its front page contains the headline "Getting ready for a merger", but that is the first communication that any Northamptonshire MP has received on the subject. We are informed:

"Northamptonshire Police is working closely with the four other forces in the East Midlands Police Region to respond to the Government's edict".

The chief constable is reported as saying:

"These are very difficult times for us all and people throughout the organisation are going to be very worried about their future."

That entirely reinforces my hon. Friend's point.

Mr. Boswell: I am grateful to my hon. Friend and Northamptonshire colleague for making that point. I am delighted that his voice reinforces my argument. That is exactly the concern that we have. It would not have been too difficult for Ministers to have approached us, and it might even have been in their interests to do so.

Sometimes I wonder whether the Government consult only on the unimportant issues and that the level of consultation, or the time provided for it, is in inverse proportion to the importance of the subject. One of the problems is that we have not really seen a base of evidence, and it might be quite different for the different services. It would be useful to have an overview and independent analysis, not least because of the concerns being expressed powerfully in this debate.

I wish to make a specific point. I know a little about resilience, because as an 18-year-old I wrote a paper on the subject that was sent to the Home Office in 1961. I suffer gravely from not having a BBC service that is particularly relevant to where I live. I live in Northamptonshire, but receive the service from Oxford and the regional service is from the south, so I see a lot about shipping in the Solent. If I am to be put into an east midlands mould, I will need an east midlands service if there is a difficulty or an emergency. That must be integrated right up to the borders of the services that operate in the area. I mention the point, because I think it is a consideration that the Minister is nodding at.

The final point of the general considerations that I put to Ministers is my worry at the frenetic pace of change. I am conscious that others wish to speak and that we do not want to extend the debate to cover the whole field of public services, but I will say two words about health provision more generally in a moment. As the Government mature, I notice that they are going through a second or even third cycle of change. In these respects, they now seem to be quickening the pace, because they want to produce solutions or to save money, as colleagues have said. In other cases, the second or third reorganisation merely adds to the confusion of staff and service users alike. I think that it was Petronius who said nearly 2,000 years ago, "Every time that we were just about to get somewhere, they reorganised us and then we had to start the process all over again."

Mrs. Maria Miller (Basingstoke) (Con): I would like to add a little depth to this point. I am concerned about how dismissive Ministers and Labour Members have been about the concerns of the Fire Brigades Union. I recently received a delegation from the Hampshire FBU and heard its concerns about regional control rooms in our area and particularly about the effects that they would have on my constituency. It would affect rural areas and lead to the loss of staff between now and when the regional control rooms are introduced. Does my hon. Friend agree that such concerns should not be so readily dismissed?

Mr. Boswell: That is precisely the point. Many of us listen to FBU members and talk to watches in fire stations, and we can always learn from that process. I am sure that Ministers will want to pick up the concerns that are being vigorously expressed to my hon. Friend and me. All I am really saying to Ministers is, "Don't push your luck; don't take it too far; and don't rush it. Consult and think about it."

I wish to expand briefly on that point in relation to the particular services. To pick up my hon. Friend's point, there is still a major problem with the fire services. Major, wrenching and difficult changes are already taking place for fire service provision, and they will be politically difficult as well as difficult for the personnel involved.

My hon. Friend the Member for Wellingborough (Mr. Bone), who is not in the Chamber, eloquently explained the problems of Rushden fire station during a

[Mr. Boswell]

Westminster Hall debate yesterday. We have comparable problems in Daventry, because there is a move towards more part-time staffing to cover the station's work, which is causing considerable worry. If one superimposes the modernisation of control systems and the possible ultimate merger into a much wider regional structure on top of that, it is a matter of concern.

My hon. Friend the Member for Kettering (Mr. Hollobone) clearly expressed some of the concerns in Northamptonshire about the police. Some of those concerns are practical, and I thought that the right hon. Member for Greenwich and Woolwich made something of a point about the matter. Even within the shire structure we do not always have perfection.

It might amuse the House to hear that I was recently in one of my local police stations when a lorry driver who wanted to make a delivery came in. He said, "Where's Great Central Way?" I was a bit distracted because I was waiting for an appointment to discuss local policing matters, but when I became conscious that the chap at the desk was having difficulty, I said, "Why don't you try Woodford Halse? That's about 10 miles away." Of course that was exactly where the delivery was for—no one had spotted that the destination was not in the town itself.

I can translate my point to a consideration of ambulances. There was a difficult case recently involving a person who was injured in a ploughing match that was taking place in a field on the Warwickshire-Northamptonshire county boundary. Of course the judge who went to the assistance of the person who had fallen did not know the postcode of the location, although he did have a mobile phone—that is relevant to our consideration. He telephoned for assistance, but the terrestrial ambulances of both counties failed to get there and the air ambulance had to be brought in. However, the air ambulance is already served co-operatively by the counties of Warwickshire and Northamptonshire.

Mr. William Cash (Stone) (Con): I am following my hon. Friend's remarks with great interest. Is he aware that there is strong resistance to the proposed merger of the ambulance service in Staffordshire, which came up during Prime Minister's questions? The real question is whether that will be effectively opposed by Staffordshire Labour Members, although I and others certainly oppose it, as we have shown in the early-day motion that we tabled yesterday.

Mr. Boswell: It will be interesting to find out. I shall watch the situation, especially now that we have more varied representation in Northamptonshire. I shall refer to ambulance services in a moment.

To conclude my remarks on the police authority, I do not want it to be suggested that I am not interested in democratic control. We have a police authority and there has recently been a change of administration in the county council at county hall. The question of who would control and assume the chair of the police authority was a real political issue, but at least it was determined locally—as it should be—rather than regionally.

I made an intervention during the Minister's speech about the police. Their relationship with fire control rooms and, above all, the interoperability of services—I have some constituency involvement with Airwave—should be carefully watched. We need to ensure that the system works and Ministers should not over-claim what they are doing.

My main worries relate to the health agenda, on which I shall speak a little more widely. We must examine the more general consideration of the reorganisation of the national health service. I know that the Minister of State, Department of Health, the hon. Member for Doncaster, Central (Ms Winterton), will wind up the debate. A strong functional primary care trust covers most of my area and I have been engaged for some time in fairly delicate negotiations to insert the other part of my area, which is brigaded with Oxfordshire—across the county boundary—into that trust, so it is extraordinary that after we appeared to be getting somewhere and consultation was offered, the whole thing is now up in the air. We might well end up with a county-wide trust, although we do not know that yet. We have had no news from the Department of Health, so we have had to work things out for ourselves, although I have written to the Secretary of State for Health on the matter.

These things are not cost-free. My wife and I are involved with the re-provision of Brackley cottage hospital. My wife is a trustee and I am on one of the working groups. The matter might be worth an Adjournment debate one day, because it has gone on for 15 years. Every time that we seem to be getting somewhere, the NHS reorganises itself and the whole thing has to be started from scratch.

The situation is especially vicious in relation to provision for our ambulance services. I know about the quality of Staffordshire's service and the Minister will be aware of the high quality of the Two Shires ambulance trust—my domestic NHS ambulance trust—covering Northamptonshire and Buckinghamshire. It is a three-star trust of long standing that is run extremely well. It is almost the one service in my constituency for which we are not on the edge of things, as it is headquartered in the village of Deanshanger. Although that is more or less in the centre of the trust's area and at the edge of my constituency, at least it is in my constituency, instead of a substantial distance away.

The trust has worked especially well and should not be reorganised only for the reason that Ministers have decided that everything must be regionalised, with one bit going to south-east Buckinghamshire and another bit going to the east midlands. The trust would have to be dissolved before it could be reconstituted, so the operation would be doubly wrenching.

It would be likely that the service for my area would be reconstituted into a trust with fewer stars, or a less good record, so there is extreme concern about the process, which is compounded by worries about the speed of implementation. I attended the trust's annual meeting at which its senior management and chairman were under the impression that it might be asked to merge from next April, or that a shadow committee would be established with the aim of an implementation date not far into the future. That raises practical concerns about the compatibility of radios and equipment carried on vehicles, and, of course, control

functions. Above all, we cannot have a situation in which people in my constituency or those of other hon. Members do not get the service that they deserve simply because the component bits of the service do not talk to each other, which is the fundamental worry set out in the motion.

My underlying concern is that decision making is being shifted from someone who is usually democratically accountable—or at any rate physically accessible in my county town—to a more distant, less accountable and less familiar regional body. It might be useful if I share with the House something of my personal situation, which is matched by that of many of my constituents.

I have lived in a village called Aynho for nearly 40 years. It is in the extreme south-west of both my constituency and Northamptonshire, so we are virtually the end point of the east midlands. For example, we are at the end point of the electricity grid network in the east midlands. It is a long way from the village to Cleethorpes. It is actually quite a long way from the village to Nottingham. My village is 60 miles from the House, but 100 miles from Nottingham. I am not sure that I would wish to substitute control from Northampton—or even London—with control from Nottingham. In fairness to the Minister, some of the journey from my village to Nottingham runs through my constituency. When one reaches the northern boundary of my constituency, one is halfway there, but Nottingham is still a long way away.

Let me explain how things work operationally. There are four postal regions in my constituency: first, Northampton, which is in the east midlands; secondly, Coventry, which is in the west midlands; thirdly, Milton Keynes—we have had real problems with BT employees not being able to recognise the post codes of people from there who ring in, because they go through to the wrong control room; and, fourthly, Oxfordshire. I live 300 yd within my constituency and have an Oxfordshire postcode, as have about 20 per cent. of my constituents. Oxfordshire is in the south-east, as is Milton Keynes. There are huge operational difficulties, including those that relate to the focus of operations. I touched on some of those. My area is not Greater London, a unitary or the west midlands. The pattern is complex and dispersed. People already live at great and extended distances from services.

There is something else to consider. We formed part of the Deputy Prime Minister's expansion plans and growth areas under the Milton Keynes and south midlands study, but that involves three regions—the south-east, the east midlands and eastern. Whatever Ministers come up with has to be sensitive to such considerations.

My other access route is to go from Milton Keynes to Crick in my constituency, which is a 25-minute drive down the old Roman road of Watling street. I move effortlessly from the south-east area of influence to the west midlands. Again, no regional template is sensitive to that. We have held the line of having an element of county control and involvement, although even that is sometimes distant. However, the situation is uneasy. My fear is that the drive for regionalisation or centralisation will make it worse.

The irony is that I have the great privilege and delight to live in the middle of England in a very pleasant area, yet my constituents and I face the paradox of also living on the edge of every service. They are uneasy about that and, frankly, increasingly alarmed, concerned and fed up.

2.31 pm

Mr. Ronnie Campbell (Blyth Valley) (Lab): My constituency is in the south of Northumberland and bridges on to the conurbations of Tyneside. At least 80,000 people live there. The next-door constituency of Wansbeck has about the same number. This part of Northumberland is fairly well populated compared with the rest, which is sparsely populated.

The county council and the chief fire officer have decided not merely to withdraw fire pumps, but to close fire stations. The proposal is to close two fire stations in my area that have been in existence for years. The Cramlington station covers the new town, which is a big area. It is on the edge of the town for the people to call on its services at any time. The old town of Blyth has a population of at least 39,000, and its fire station is also to close. There will be no retained fire pumps in those areas. Instead, they will be five miles upland in Wansbeck.

The plan is also to close the fire station at Morpeth, which has about 27,000 people. The station is in the town itself. Ashington fire station will close, too. It is on the edge of the town, which has about 26,000 people, if Newbiggin by the Sea and Bedlington are included. However, the chief fire officer, Mr. Hessler, says that he will build two state-of-the-art fire stations by the private finance initiative. We need to do our sums on PFI to see whether we save money or not. What we have come up with is that we will not save money and that the scheme will cost the council tax payers big time.

Never mind that, though, because Mr. Hessler is going to build the two big fire stations. One will be out in the country in Pegswood, which will cover Morpeth, Ashington, Newbiggin by the Sea and Bedlington and the other will be five miles outside my constituency to cover my 80,000 constituents. The idea is to regionalise the fire service and then to introduce a Bill to privatise it. That is the motive. I could say that the Tories will not privatise it, but I think that they will. It is a big worry.

Many years ago, when I was a young councillor, a guy was put in charge of the Northumberland ambulance service. Laurie Caper closed all the ambulance stations around Blyth Valley and Ashington, except for a couple of big ones. All the ambulances were put in those two stations. At times, they could not get through the traffic to the stations and response times were extended. Years later, instead of billeting ambulances somewhere on a roadside, which the ambulance service did for a long time—the ambulances were told where to wait for a call—it decided to put them in the fire stations in Blyth, Cramlington and so on. It served a purpose because we got a fire station back, but that is all up in the air now. Where will the ambulance service go in Northumberland? It is a big worry.

The Government say that it is up to the county council. As far as they are concerned, it is in charge and they have nothing to do with it. I have sent the Minister a letter and a map outlining the problem. Response

[Mr. Ronnie Campbell]

times will increase. Perhaps the chief fire office is going to put two jet-propelled rockets on the side of the fire engines to get them to emergencies in Blyth quicker.

We are losing out. Hundreds have signed a petition in Blyth because people say, "Wait a minute. Our fire station looks after 39,000." That may not be many compared with other constituencies. Hon. Members should tell me whether I am getting a bit of luxury. Is it acceptable for one or two fire appliances to cover 100,000 people? That is what we have had in the south-east of Northumberland.

On top of that, Mr. Hessler wants to cut 28 full-time firemen as part of the regionalisation. Those will not be redundancies, but natural wastage. He says, "But behold. We are going to have retained firemen." Well, that is all right. We know what retained firemen do. However, a member of the Fire Brigades Union told me last week that they have retained firemen in Ponteland, in the constituency of the hon. Member for Hexham (Mr. Atkinson). An incident happened, but the retained firemen could not get to it because they were off working somewhere else. The fire engine from Blyth had to go all the way up to Ponteland to fight the incident. We are closing stations, removing pumps and getting rid of full-time firefighters. We are expected to rely on retained firemen, but we cannot because they do other jobs. We must look at that problem.

I do not have a problem with other aspects of what the Government are doing. I understand that we need to modernise, but we cannot take vital services away from the public. It is always dodgy because if they are used to them being there, they feel safe. The fire service does a lot of other work, such as putting in fire alarms. Not so long ago it put a sprinkler into my mother's house. That is good and should be encouraged.

The recent national audit of Northumberland fire brigade gave it ratings of either excellent or good. It did not get fair or poor on anything. Although that service was excellent it was cut, and there will be only two fire stations. I would like to know what the Minister thinks about that. When he digs out my letter—it has been in his office for three weeks—he should investigate the situation. He should not rely on the chief fire officer, who will produce a biased report, as he did at the recent public meeting, but should seek the opinion of the Fire Brigades Union. I attended that public debate in New Hartley, and the chief fire officer lost hands-down. If I was not convinced before I went to the meeting I was when I left, because the FBU made a good case. Northumberland county council is making a grave mistake, and I urge Hessler to go back to where he came from—Noddyland, where he produced his Noddy policy.

2.40 pm

Mr. Simon Burns (West Chelmsford) (Con): May I begin by thanking my hon. Friend the Member for Meriden (Mrs. Spelman) for giving us the opportunity to debate this extremely important issue, which is causing such grave concern to many of our constituents? I suspect that it worries not just constituents of Opposition Members but those of Government-supporting Members. I listened to the Minister with great care but without surprise. He made a fluent defence of a policy that I believe is indefensible. He sought to be constructive, and explained why he genuinely believes that the Government are doing the right thing to improve the services.

It is a pity that I cannot say the same of the hon. Member for Brent, East (Sarah Teather). In the two years since she has become a Member of Parliament I have not had the experience—I choose my words carefully—of having to listen to one of her speeches.I certainly hope that I do not have to listen to another one in the next two years. With all the arrogance of immaturity, she typified the problems that the Liberal Democrats have experienced since the general election. They do not have a clue about who they are going to attack—the Conservatives or the Government—so they try dishonestly to grub up votes to enhance their political position. In typical Liberal Democrat fashion, therefore, the hon. Lady compromised—

Madam Deputy Speaker: Order. I call the hon. Gentleman to order and ask him to address his remarks to the Opposition motion and the Government amendment.

Mr. Burns: I am grateful for that guidance, Madam Deputy Speaker.

The hon. Lady compromised by deciding to disagree with the motion and the Government amendment. She sought, in an extremely cheap way, to attack the Conservative decision to support the FBU, to which the motion refers, for trying to stop regionalisation of control centres. I have to tell the hon. Lady that in the grown-up world real people with depth and maturity support the point of view they believe in, whoever expresses it. We will support the FBU if we believe that its cause is right. We will support an improved service of fire protection for our constituents if that means opposing regionalisation. We do not blow in the wind and we do not take a view because we think that it might enhance our popularity. We take a view because we believe that it is right and is in the best interests of the people who send us here every four or five years.

I have grave concerns about the Government proposals. I am not convinced by the Minister's argument that they will save money that can be reinvested in the service to improve it for our constituents. I believe that the proposals are crude, and are part of an overall agenda for regionalisation. The money that will be saved will not necessarily be reinvested pound for pound in the fire services or the ambulance service. It will go into the Chancellor's depleted coffers to help tackle the growing economic crisis in the public finances. My county of Essex has a population of 1.5 million, and is one of the most densely populated areas in the country. We are extremely fortunate, as we have an excellent fire service, and I pay tribute to the dedicated men and women who work day in, day out to protect us and provide the security and safety that all citizens deserve.

The system works. The control centre is located in Essex, and the people who work in it are extremely familiar with the county. They can do their job to the highest standard, and that is what the service

should offer. If it is to be submerged into an eastern region including Suffolk, Norfolk and perhaps Northamptonshire and Hertfordshire, that quality of service, local knowledge and the ability to respond effectively and efficiently to calls for help will be diminished because the area covered will be too great. My motto has always been "If it ain't broke don't try to fix it." I urge the Government to follow that motto, even at this late stage. They should display a little more humility. The Minister knows what he is talking about, as he has intimate knowledge of the fire services, having worked for them. That is unusual, however, and I believe that the policy was dreamed up and imposed by civil servants in Whitehall to fit a wider agenda of regionalisation and to try to save money on the side.

Essex ambulance service, which is first-rate, is experiencing similar problems. It has an extremely good chief executive who is sensitive to the county's changing needs and demands, and who will make sure that the service and its resources are used to maximum effect so that ambulances are available to respond to accidents, to perform other functions and to offer an excellent service to the people of Essex, including my constituents. However, it faces the melting pot, because there are proposals to regionalise it. If the argument is that there are other ambulance services in the eastern region that are not as efficient and effective as that service, it is not right that all the services should be merged and brought down to the lowest common denominator. They should all be brought up to the highest standard. However, it is not clear that that will be achieved by putting them all together in a single mammoth organisation.

I am not making a party political point, because there have been local government reorganisations under Governments of all persuasions. Some of those reorganisations were motivated by the tenet that bigger is better but after the ensuing problems and upheavals, and given the grievances of people who felt detached from the services they were using, it was recognised that that was not the right approach. As a result, the clock was turned back, and people sought to return to the original arrangements. If the Government are determined to pursue their proposals to the bitter end, I fear that they will destroy an efficient, effective service. They will not be here in a few years' time to make the decisions, but we will have to pick up the pieces and reverse the process by trying to return to the original service that met people's needs.

In conclusion, I thank my hon. Friend the Member for Meriden for securing today's debate, which is our only meaningful opportunity to debate the issue on behalf of our constituents on the Floor of the House. Both Ministers on the Front Bench are eminently reasonable, and when they are on their own and are not being bullied or pressurised by their political peers and civil servants, they should think again about this debate and be man and woman enough to admit that maybe they have not got it completely right and that maybe the policy is not necessarily the right way forward. They should be prepared to be magisterial and think again, and my constituents would be extremely grateful if they were to do so.

2.50 pm

John McDonnell (Hayes and Harlington) (Lab): As secretary of the FBU parliamentary group, I refer hon. Members to my declaration in the Register of Members' Interests. I do not object to hon. Members on both sides of the House relating views that they may have heard from FBU members.

As an aside, the quality of speeches, including the speech by the hon. Member for Brent, East (Sarah Teather) and the intervention by the Minister, has been high.

I thank the Government for the way in which they have drafted the amendment, because I have spent this week looking for something that I can support—I can support the amendment, provided that the ministerial winding-up speech does not contradict it.

All hon. Members agree with the outline business case statement that the existing arrangements for delivering core services, including call handling and dispatch functions, within the fire service are perceived to be excellent, and almost every hon. Member who has spoken has congratulated the staff and the service on how they currently operate. My right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) has related the strength of feeling after 7 July about the excellent performance of our emergency services in London.

If we are to move forward, we must ensure that we do so carefully and that we take the professionals with us. The outline business case urges caution:

> "There is no other example of a regional service being provided in this way."

The reform is among the most novel ever seen in this country, and it is important that we get the history right. It is true that the Bain report did not recommend regionalisation, and it is also true that Mott Macdonald made two recommendations—its first recommendation included 27 centres; its second recommendation included nine centres. *[Interruption.]* My right hon. Friend the Member for Greenwich and Woolwich can correct me, if I am wrong, but I thought that Mott Macdonald's first recommendation was for 27 centres.

Mr. Raynsford: I cannot recall the precise number. My hon. Friend has implied that the recommendation is not supported by experience. Will he accept—I am sure that he will—that London already has a regional control centre? It provides an extremely good service compared with some of the smaller services outside London, which would offer an improved service if they were to achieve London's cost-effectiveness.

John McDonnell: Of course I accept that point, and in my experience the service in London is very good. However, the business case points out the lack of co-ordination across all services at the regional structural level. The proposals are novel because they will bring together all services within the regional structure.

Over time, successive Governments have received different advice on the matter, and we must address the basic questions. Will the proposal work? Does it have the confidence of the people whom we will require to deliver the service? Will the reform be cost-effective? If it is not cost-effective, what is the fall-back position?

[John McDonnell]

The business case states that the reform is a "high risk" venture. It assesses the risk of

"delay or even total project failure"

as "high", with a "very high" impact if the project fails. Why does it draw that conclusion? Although the project is not unique, novel or innovative, the business case points out that

"the recent history of delivering IT/change projects in the public sector has demonstrated a less than 50 per cent. success rate."

The business case addresses the point that the scheme's high IT content may bring it close to failure. Scepticism at such an early stage is constructive, because it means that we must address the issues.

Does the project command the confidence of the professionals themselves? The FBU's view does not require reiteration, because we have heard it from both sides of the House. Front-line firefighters are deeply sceptical about whether the scheme will work, about the cost savings and, as my hon. Friend the Member for Blyth Valley (Mr. Campbell) has said, about whether it will lead to privatisation. No matter what assurances the Government make, we must accept the firefighters' concerns.

What about the organisations on the ground which were consulted about the business case? I have a copy of the report on the views of the regional management boards that was sent to Ministers. I am not sure whether I should have this report, because I am not sure whether the business case has been produced. I do not know whether I might be arrested under the new terrorism legislation, but let us hope that whatever the Home Secretary is drafting today, it does not concern the leakage of documents.

Yorkshire and Humberside regional management board said that it

"does not accept that the OBC"—

the business case—

"as currently presented, is achievable financially and practically",

and it called

"upon ODPM to withdraw the present proposals and the OBC and to re-consult".

The East of England regional management board was concerned that the business case was unable

"to provide any financial information that related to individual fire authorities."

The East Midlands regional management board was concerned

"about some of the assumptions on which the national OBC is based".

The West Midlands regional management board was concerned because there was

"far too little detail, particularly relating to financial matters, for any commitment to be made at this stage."

The list goes on and on. The South East regional management board stated that

"issues affecting the success and affordability of this project as well as the statutory responsibilities . . . are drawn to the attention of the ODPM's fire control team".

The South West regional management board bluntly indicated that it was unable to accept the business case. Gloucestershire fire and rescue authority was

"unable to support the OBC".

Somerset county council stated:

"the Outline Business Case has not been made on the basis of the information provided."

Dorset fire and rescue authority stated that it was

"not satisfied that deliverability, affordability or value for money have been demonstrated in the Outline Business Case."

Cornwall county council stated:

"The Outline Business Case is not accepted".

And Avon fire and rescue authority stated:

"We cannot support this Outline Business Case."

I must say that the North East regional management board continued to support the project, to which the Government's response was, "Noted with thanks".

The business case makes it clear that neither the front-line firefighters nor the regional management boards, who must deliver the project, were convinced by the argument. I worry that if they were not convinced, then the proposals will not be successful, and that the lack of confidence in the deliverability of the project will undermine our assurance to our constituents that the Government are providing the necessary services to protect their safety and the lives of their families.

There are genuine concerns about costs. Some of the figures about savings that the Government have quoted over time have also come into dispute. My understanding is that in June the estimated cost of the project stood at £988 million.

Jim Fitzpatrick *indicated assent.*

John McDonnell: I am grateful for that confirmation.

The Minister has said that the savings will be £20 million a year. In that case, how many years of savings will be required on the basis of the total project cost? My understanding is that the savings that the Government have identified do not take into account the initial investment made up front by the Government. A whole range of other financial details have been questioned by the regional management boards. At the moment, the £20 million-a-year savings look fragile against the initial investment.

That leads on to another concern. If these savings are achieved, where will the money be found if there is a lack of confidence and therefore cost overruns? There are two options—increases in the council tax or cuts in the fire service. I cannot see the Treasury acceding to any additional Government subsidy on such a Government project, given that it has been fairly brutal to other departmental projects that have not delivered the goods.

Jim Fitzpatrick: I am grateful to my hon. Friend for raising these matters. There is legitimacy in some of the concerns that were expressed initially. Obviously, the world has moved on for many people.

On savings, we are putting the money up front to build the new regional control centres. If we did not, we would still have to spend a lot of money on modernising the existing centres. The additional cost is £74 million. The overall cost is £988 million. The savings will come after the end of the project. I will write to my hon. Friend to explain the detail, and put a copy in the Library for other colleagues.

John McDonnell: I am grateful to my hon. Friend. I would be extremely grateful if he could include the detail on whether the costs exclude depreciation, full capital costs, migration costs, the cost of buildings maintenance rehabilitation, the cost of patching up the current system until the new one comes online, and the write-off costs for the existing system. That would give us the opportunity of having an honest and clear discussion about what the overall cost burden will be.

My anxiety is this. We had a debate this week about another major project—the third runway at Heathrow. Very sensibly, the Government have undertaken an assessment of the overall implications of the development of that project, which will be followed by the test of a peer review—that is, an independent assessment—of the proposals.

If the Government are convinced of their case, we need to take with us the professionals who will deliver the service. It therefore behoves the Government to have an independent review of the project very quickly and to report back to the House, or at least to have some form of peer review: an independent assessment that we can discuss and which—I agree with the hon. Member for Daventry (Mr. Boswell)—we can then consult upon. We must give our constituents time to have the debate. So far, many of us feel that we have been excluded from it. Certainly, the FBU does, as do many of the regional management boards who are anxious about the proposals.

It is a shame that the proposals were announced during the recess. I understood the reason for that, given such a lengthy recess, but I did not support it. It should have happened before the recess to enable us to have a proper debate. Moreover, there should have been a full ministerial statement to debate instead of a patchwork of amendments.

I appeal to the Government to take a breathing space in which we can stand back. They should establish an independent review and engage in full consultation, so that if we move forward we do so on an agreed basis. The issue is too important to allow it to become a party political dispute.

3.4 pm

Mr. James Gray (North Wiltshire) (Con): It is a pleasure to follow the hon. Member for Hayes and Harlington (John McDonnell) and to find myself agreeing with so much of what he said. No one would accuse me of being a fellow traveller with the Fire Brigades Union, but this is the second time on which I find myself campaigning alongside it. We recently campaigned together to prevent the much unwanted privatisation of the defence fire service, and I am glad to say that jointly we were able to persuade the Government to back off. I hope that on this occasion, too, we and the FBU will be able to persuade the Government to back off from proposals that are demonstrably unwelcome to ordinary people and throughout the fire service.

No county in England is as good an example of stealth regionalisation as our county of Wiltshire. We have heard today from many hon. Friends and Labour Members who feel that they are being regionalised unwittingly. In Wiltshire, we have an added conundrum. It is only two years since Her Majesty the Queen came to Devizes to open the state-of-the-art joint control service centre—the latest thing. One could phone into it for the fire service, police and ambulance and they would all turn up in good time. There are strong arguments for that. I personally was rather opposed, because it meant job losses in my constituency, in Chippenham, but I was persuaded none the less that it was the state of the art. The Government told us that the system was to be spread out across the nation. It cost £2.5 million to set up this beautiful new building, and there were significant difficulties in getting it going, but after much fighting the Government finally forced it through.

What is to happen now? All that state-of-the-art, new Labour so-called fantastic new service is to be swept away by three changes. The Office of the Deputy Prime Minister announced the other day that it is going to do away with the fire control centre in Devizes and replace it with a remote, and, no doubt, much bigger one in Taunton—presumably at enormous cost. The Minister might like to respond to a detailed point, namely, that the lease on the building in Devizes runs until 2014, and the first escape date in the contract is 2012. If the contract is broken through the removal of the fire service from the control centre, the Government will face a substantial penalty clause. Will the Minister confirm whether the £988 million cost that we heard about includes the gigantic cost that will be involved in breaching that contract? I imagine that the same will apply to Gloucestershire, where a similar centre is being set up.

Next, we are told that because Wiltshire ambulance service is not as good as it ought to be, although it seems pretty good to me, it is to be amalgamated with Gloucestershire, which is apparently first class—that presumably means that there is a risk that we might be averaging down rather than up—and with something called the Avon ambulance service. I seem to recall that my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) abolished Avon some 10 or 15 years ago. Why on earth we still have something called Avon ambulance service, and why it should be amalgamated with the excellent Wiltshire ambulance service, I cannot imagine.

That brings me on to a side curiosity. It seems like no time at all since I sat in the modest little health authority headquarters in Devizes, where I was told by the excellent chairman of the Wiltshire health authority that it was no longer big enough. The Wiltshire health authority was to be done away with, to be replaced with primary care groups, which became primary care trusts. Then a thing called the Avon, Gloucestershire and Wiltshire strategic health authority was established, although I cannot imagine what the heck it is supposed to be for. Now we hear that all the primary care trusts are to be brought together so that we end up with a body that is identical to the Wiltshire health authority. Sitting on top of that, we have—I went to visit it during the recess—a huge office, with hundreds of people employed in it, called the Avon, Gloucestershire and Wiltshire strategic health authority. Nobody knows what on earth it does or what it is for, but I could not find a place in the car park because of all the BMWs parked there. Hundreds of civil servants were sitting in that great office doing who knows what. We now have the Wiltshire health authority just as it was when I became

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an MP eight years ago, but with a fat layer of bureaucracy on top of it. That is precisely what would happen if we allowed the so-called regionalisation to go ahead. It would save no money and mean only a gigantic increase in bureaucracy.

The fire service has been pulled out—it is going to Taunton. Apparently, the ambulance service will be pulled out. It is said that we are not yet considering a regional ambulance control centre, but when I saw the chief executive during the recess, he would not give me a guarantee that it was not a logical consequence. We may well end up with something called the Avon, Gloucestershire and Wiltshire call centre.

Adam Afriyie (Windsor) (Con): I recently visited the Royal Berkshire ambulance trust. It has all the star ratings and is in a fabulous place. It appears that there is a plan to combine it with others in a regional centre. When something is working well and people are motivated and committed to it, what is the point of risking it, with life-threatening consequences?

Mr. Gray: My hon. Friend makes a good point. The only reason for doing such a thing is an ideological determination that big is beautiful. Labour loves reorganisation, hierarchies, structures and committees. We like good delivery of first-class services locally. My hon. Friend's point brings me to proposals about the police service.

In Wiltshire, we have the best police service in England, in the sense that our detection rate is extremely high and we have one of the lowest crime rates. Our proudest boast is that no murder has gone undetected in the county since the police service was set up in 1834. I believe that it was the first county police service to be established by my predecessor, Mr. Peel.

What do we have now? We are talking about doing away with the excellent Wiltshire police service because the service is apparently not big enough to cover anti-terrorism and all the other matters that the Minister mentioned. Surely we can get around that problem. Four officers in the Wiltshire police service deal with anti-terrorism. Surely they could happily co-operate with the four in Gloucestershire, the four in Dorset and the four in Somerset, without the proposed gigantic structural reorganisation. We could find ways of co-operating across borders.

I want the Minister to deal with a specific point about cross-border co-operation. If there is to be useful cross-border co-operation between services, whether fire, police or ambulance, why does it have be based on the Government's pre-set regional structure? For example, in Dorset, surely it would be reasonable for the police services of Bournemouth and Poole, which effectively constitute one built-up area, to co-operate. The one thing that the Government have laid out plainly is that the borders of the pre-set regions must be adhered to. There must be no cross-border co-operation. If the police in Bournemouth are caught co-operating with the police in Poole, my goodness, there would be all sorts of trouble. The Home Secretary would be down on them like a ton of bricks. However, if the police in Bournemouth co-operate with the police in the Scilly Isles, that counts as a good scheme according to the new Labour notion.

If we are considering the convenience of delivering emergency services, surely we should examine the geographical areas in which it is convenient to deliver them. If the south-west of England exists, it is Devon, Cornwall and the Scilly Isles. The notion that one can go from Tewkesbury to the Scilly Isles and from Cricklade to Poole and call all that the south-west—if one stuck a drawing pin in Tewkesbury and turned the map around, the Scilly Isles would land in the city of Glasgow—is ridiculous. We in north Wiltshire ain't in the south-west of England. We may be in Wessex and the west country but we do not want to be in the south-west. We do not want our police service to be done away with in favour of some generalised south-west police force.

If we add to the regionalisation of the fire service that of the ambulance service, the police service, an astonishing series of changes in the health service, which constitute a form of regionalisation, and the nationalisation of some other county services, it amounts to the abolition of county government in England. It is no less than stealth abolition of our counties.

If one is interested in accountability, localism and allowing local people to determine the sort of services that they want, the best possible structure in which to do that is the county. The Labour party may not like it but I love the county of Wiltshire and I pledge to do what I can to fight to prevent its abolition by the mob opposite.

3.14 pm

Mr. Mark Harper (Forest of Dean) (Con): It is noticeable that the Government are somewhat lacking Back-Bench support.

The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) has left the Chamber but he made some cheap remarks about whether this was an appropriate place to hold a debate. The Floor of the House of Commons is entirely the right place for the debate. If it were not for my hon. Friend the Member for Meriden (Mrs. Spelman), we would not be having the debate and discussing matters of such great concern to our constituents.

My first point is about regions. As someone who represents a rural constituency in a rural county, I was struck by the fact that many of the contributions from the Government's supporters were London-centric. Providing emergency services in a densely populated capital city is different from providing them in a sparsely populated rural county. Clearly, it will be more expensive to provide the services in a rural county because of travelling times, the quality of the roads, response times and so on. That is evident to anyone who examines the matter.

I support my hon. Friends' comments about the sense of the regions and whether it would be sensible to allow co-operation across regional boundaries. The Forest of Dean constituency is on the Welsh border and on the border between the south-west region and the west midlands region. If there is to be co-operation, there is a great deal of sense in allowing it to happen across regional borders when that is appropriate. Moving to a regional structure appears to make that more difficult rather than easier.

My hon. Friend the Member for Daventry (Mr. Boswell) made a point about computer systems and postcoding. In my constituency, several postcodes cross borders, especially the Welsh border. Several organisations, including Government organisations such as the Driver and Vehicle Licensing Agency, are sloppy about their use of postcode information. Many of my constituents who live on the Gloucestershire side of the border and have Newport postcodes find that Government organisations assume that an NP postcode means that they are in Wales and they get bilingual documents. That is not a heartening example. If Government organisations are sloppy about their use of data, it is not a serious problem when someone who does not want one gets a bilingual driving licence, but it is tremendously serious if a fire response takes a long time and lives are consequently lost. I ask the Minister to ensure that, whatever happens with technology, some of the problems that affect borders are tackled and that the technology can cope with that and does not make assumptions about postcoding and geographical locations.

Jim Fitzpatrick: I assure the hon. Gentleman that the nine regional control centres will operate seamlessly because they will all have national geographical mapping data. If a problem occurred with one of the centres, any other could fill in the gap. Postcodes should not therefore have any effect.

Mr. Harper: I am grateful for that reassurance.

The hon. Member for Brent, East (Sarah Teather) mentioned the Lyons review of local government. Now that it is considering local government functions as well as funding, and given the Government's proposals on regionalisation of emergency services, it is worth asking whether the Lyons review will examine regionalising other local government services. Hon. Members from all parties will perhaps be concerned about that.

I shall consider fire control briefly because I would rather spend more time on the police. As has already been said, we have an excellent tri-service control centre in Gloucestershire. I had the opportunity to visit it in the summer. In a serious incident such as the bombings in London on 7 July, the importance of all the emergency services working seamlessly was apparent. A control centre model whereby all three services and their senior and chief officers are located in close proximity appears to me, as a layman, a good model for providing seamless co-ordination. The Minister said in his response to the hon. Member for Stroud (Mr. Drew) that he would deal with the reasons for the Government's view that the tri-service model was inappropriate. I may have missed the reply but if he did not deal with it, perhaps the matter could be tackled in the winding-up speech.

Mr. Martin Horwood (Cheltenham) (LD): The hon. Gentleman might know that his comments about the tri-service model are supported by the Audit Commission report produced in July 2005, which listed the establishment of the tri-service centre in Gloucester as a key strength of the fire and rescue service and stated:

"The Fire Authority is consistently providing value for money, with one of the lowest costs per head of population in the country. When compared to its family group, best value indicators show there is good performance in many areas... There has been notable achievement against its high-level strategic objectives including the new Tri-Service Centre".

The following month, abolition was announced. Is not that particularly galling?

Mr. Harper: I thank the hon. Gentleman for his timely intervention, which leads me to my next point on the merger proposals for the police service.

The report produced by Her Majesty's inspectorate of constabulary, which has driven the Government's thinking on this issue, makes the point that small rural forces are not very good, on the whole, at dealing with level 2 criminality—serious and organised crime—and at responding to terrorism. However, I understand that Her Majesty's inspectorate's last report on Gloucestershire found that

"Gloucestershire Constabulary has a comprehensive Level 2 capability, including surveillance... dedicated source handlers and force intelligence best practice".

Indeed, the National Crime Squad has adopted Gloucestershire's profiles as best practice, and has also said that Gloucestershire has been able to deal successfully with terrorism investigations, notably the recent Badat case.

It is entirely laudable and sensible to have more co-operation and collaboration between forces, and it would be much better if that were done on a bottom-up basis whereby forces collaborated regardless of regional boundaries, where it made sense to do so. It does not seem sensible to impose a one-size-fits-all, top-down model.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am grateful to my hon. Friend and neighbour for giving way. Does he acknowledge that police forces co-operated in respect of the Fairford peace protesters—a very big policing operation? Gloucestershire police managed the operation with a range of other forces. My hon. Friend referred to a big terrorist operation that Gloucestershire police carried out, and they also conducted the Fred West murder investigation. Some of the very biggest crimes are being perfectly ably handled by the Gloucestershire police force. There is no reason whatever for it to be merged into a bigger force.

Mr. Harper: I thank my hon. Friend for his excellent intervention. Last week, he and my hon. Friend the Member for Tewkesbury (Mr. Robertson) launched a petition for the people of Gloucestershire to sign to support the retention of our local police force.

I know that my hon. Friend will agree—he and I represent rural parts of the county—that we already have a problem ensuring that rural areas get a sufficient level of police cover, response and attention in comparison with the more urban parts of the county. If the Gloucestershire force were to be merged with, for example, Avon and Somerset police, which covers the large conurbation of Bristol, that pressure would intensify and the level of policing in rural areas would be under threat.

It is worth noting that, since 1997, the level of Government grant to pay for policing would, by itself, have led to a reduction in the number of officers in the Gloucestershire constabulary. The increase in the

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number of officers has all been funded by the increase in the council tax precept. Local people are paying for the extra officers, and my constituents expect to get their fair share of local policing. If we move towards a much larger regional force, we would be much less likely to get that support in our rural areas.

It is essential that all our public services co-operate and collaborate across borders, and that we do not allow those borders to become artificial barriers to best practice. Cross-border co-operation is the best way forward, rather than trying to set up templates from the centre and to impose them on local services in a short period of time. Voluntary cross-border collaboration is the model that I would recommend.

3.24 pm

Mike Penning (Hemel Hempstead) (Con): It is not often that a new Member can stand up in the House and be proud to talk about something that he knows about historically. I declare my interest as a former fireman and a former member of the Fire Brigades Union, of which I am very proud.

Being a former member of the FBU does not mean that I have not had as many battles with it as the Minister has had—or perhaps the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), who has now returned to his place—over the years. As a fireman in Essex, I battled long and hard with the union about the draconian way in which it operated, and told it that it desperately needed to modernise its position in relation to a modern fire service. It was with some pleasure that, during the strike—which I was sad to see happen—I wrote in the *Daily Mail* about some modern ideas for the fire service. I said quite openly that the fire service and the FBU could move on only if the dinosaurs who led the heroes—the firemen of this country—were removed from office at the top of the FBU. I am pleased to see that most of them have now been removed. I am sure that I shall get similar hate mail to the kind that I got last time, for making that comment again today.

The Minister knows that I have deep reservations—I have talked to him about this privately and publicly—about the regionalisation of the fire service. I was pleased to discover that his office is next to mine in the Palace. I know that he has been very busy recently, because I have been knocking on his door and he has not answered. One of the reasons that I was doing so was that he promised several Members at a meeting before the summer recess that he would give us notice before the recess of the decision on the regionalisation of control centres. Sadly, that did not happen before the recess. I was desperately worried, because the Minister had made a commitment to us—I am sure that he did so in good faith—to let us know about this matter in good time, so that we could debate it before the recess. However, I am pleased that we are here today debating it.

Jim Fitzpatrick: Let me apologise to the hon. Gentleman. If I have not apologised before, I certainly do so now. We had hoped to be able to deliver that information before the summer recess, but it was not possible. We put the locations out as soon as we could, which was during the recess. It would have been equally inappropriate to wait until we came back in October to do so.

Mike Penning: I fully accept the Minister's comments. I understand that it can take time to get things to happen when he is dealing with lots of bureaucrats, and it is the bureaucratic mess that I am particularly worried about. The Minister knows a lot about the fire service from his history of working in it, but I am not sure how many of the people who surround him in the civil service in London understand what is happening on the ground.

The Minister joined the fire service a little before I did. At that time, control people in the whole-time stations knew the topography of the local area; they knew what was going on. If someone called the fire brigade, the call went directly to their local whole-time fire station. That service was moved, however, from fire stations to divisional control centres. Why? It was to save money. The service stayed there for a while, where it worked pretty well, although not as well as it had in the stations. Guess what? To save money, we then moved it from the divisional control centres to the brigade control centres, which is where it operates from today. That has worked, because a lot of the local knowledge went to the control centres. It was possible for people who lived in the county and worked in those control centres to move up in that way. Most of the people who work in the control centres in Hertfordshire and in Essex—where I was a full-time firemen—moved in that way, and some of them had put in 20 or 30 years' service.

We are now talking about moving to nine regional control centres. If this is all about saving money—and it is; the Minister has already said that he wants to invest it elsewhere—perhaps we could just have one control centre. Or perhaps we could do as the banks have done and have a call centre in Delhi or Bombay. If it is not about knowledge and only about technology, the proposal for nine centres does not make sense. It must therefore be about what is safe for the public and what works.

Like many other Members, I have grave concerns about IT projects. A Labour Member commented earlier from a sedentary position that IT projects went wrong under Conservative Governments, too, which is perfectly correct—they have been going wrong since time immemorial. In relation to this IT project, the key is lives being saved. That is why I fundamentally oppose the project, and why the FBU opposes it, as it understands the situation on the ground much better than any bureaucrat in Westminster.

I want briefly to consider some of the modernisations that have—or, rather, have not—been introduced. The former Minister for Local and Regional Government, the right hon. Member for Greenwich and Woolwich commented from a sedentary position that this is not about cuts. If you come to Hertfordshire, however, you will see that Bovingdon and Radlett fire stations are being closed. At least one pump is being removed from Watford, and four full-time firemen from Hemel Hempstead. When we asked the chief fire officer why that had happened, his reply was that he must save £500,000 so that he can finance the fire prevention measures—of which I am wholeheartedly in favour—that are not being funded by the Office of the Deputy

Prime Minister. We are therefore having cuts—the provision is not being relocated, as some Labour Members were saying, but is vanishing.

The largest town in Hertfordshire is Hemel Hempstead—I am pleased that the Ministers of State from the Department of Health are in the Chamber, as the hospital is also subject to massive cuts, which perhaps I will delve into in a moment—and it has two pumps. The most accident-prone part of the M1 in southern England, junction 8—it is fantastic that it is going to be widened, and I hope that we will not have as many accidents in future—is covered by the pump at Bovingdon, and Bovingdon station is being closed. I take to heart the comments made about retained fire stations, and in a perfect world we would not have any retained or part-time stations. In this imperfect world, however, we have community-based fire stations that serve and are manned by their local community, and we should praise people who are willing to risk their lives for not a lot of money to be retained firemen.

The other week, I attended Dacorum borough council's scrutiny committee and listened to the commander of Bovingdon fire station, who has served as a community fireman for 30 years and who was almost in tears because he knows that the closure of that station will cost lives. One of the reasons that that is possible is that the Office of the Deputy Prime Minister has changed the rules and allowed a longer time of up to 10 minutes for the appliances to arrive at residences after a call is initiated. It was suggested earlier that most people are dead before the call is made, but many are not. The quicker that we can get the appliances to them, the quicker we can get them out, and those of us who have served know how important that is. If it is the case that most people are dead before the fire engine is called, we might as well turn the blue lights off and just drive. As a former driver of a fire engine, however, I could never do that. I would like to try to drive a fire engine in your constituency and get the distance without the—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am sorry to interrupt the hon. Gentleman. He must use the correct parliamentary language: "you" and "your" are not permissible in that direct way.

Mike Penning: Thank you, Mr. Deputy Speaker. It is the second time that I have had to be called to order today, and I apologise to you and the Minister involved earlier. It is a learning process—

Mr. Boswell: Like the call centres.

Mike Penning: Yes, it is like the learning process for people in call centres.

If we take away local knowledge and work only on the basis of costs, and say that we need much better fire prevention and smoke alarms fitted but do not fund it, we must close fire stations. Closing Bovingdon station will save £90,000. When I asked the assistant chief constable who did the presentation what the reasons were behind it, he said, "Sir, you have to ask the local politicians about that." I did, and the answer was that Hertfordshire must save £500,000 from the fire budget; otherwise it will not meet the criteria set by the Office of the Deputy Prime Minister.

Recently, I, like colleagues on both sides of the House, met representatives of my ambulance trust. I asked them whether they were looking forward to the mooted amalgamation. There was silence. Hertfordshire and Bedfordshire have a fantastic ambulance service. I told them that there will be massive changes to the health service in Hertfordshire. I am not ashamed to mention that I and my constituents are very worried about closures of acute services at Hemel Hempstead hospital, which means that we will need more ambulances to move more people, on a blue light, from my constituency to Watford, the only available accident and emergency department, which happens to be full at the moment and on red alert, so it has not been able to take anyone at all recently. The ambulance trust said, "We have asked for more money, Mr. Penning, but none is forthcoming." I ask the Minister responding to the debate to say where the extra money will come from. Will we get money not only for the reorganisation, but for more ambulances, so that we can move people around this "big is beautiful" health service that seems to be developing?

I turn finally to the police. I in no way take a draconian view on this issue, and I am not completely opposed to any amalgamation of constabularies. As I said this week in my local paper, if such amalgamation puts more bobbies on the beat and leads to a better police force and fewer bureaucrats and administrators, we will consider it. But we can do so only if the relevant evidence is put before us. All too often, we are getting "bounced", be it on fire services, fire control centres, hospitals, ambulances or the police. The lack of information—

Mr. Philip Dunne (Ludlow) (Con): I want to make a very brief intervention. There is already evidence of the consequences of the regionalisation of police forces. A former divisional commander of the Met, which is effectively a regional force, told me that its priorities do not match those of the local divisional forces surrounding the centre. Resource drift into the centre is an inevitable consequence of the regionalisation of police forces.

Mike Penning: Let us hope that that evidence is put before us, so that we can have a proper debate. That is what I am looking for: a proper debate, rather than being "bounced".

3.36 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): This has been an excellent debate and I share in the gratitude expressed by others to my hon. Friend the Member for Meriden (Mrs. Spelman) for introducing it. It is both timely and necessary, given that, in the past three months, we have been unable to engage with the changes to our emergency services affecting our constituents. The debate has shown that Members in all parts of the House are concerned about these changes and it is right that we use our first week back at Westminster to bring our concerns to the Government's attention. I hope that Ministers have listened to those concerns, which are reflected in the motion.

My hon. Friend explained excellently and effectively the essence of the case: there is no basis in evidence for such regionalisation; in many cases, it will run risks;

[Mr. Andrew Lansley]

there is good evidence from within the service that it might hinder effectiveness; and there will be an essential loss of accountability or, as my hon. Friend the Member for Daventry (Mr. Boswell) put it, certainly a loss of access to those responsible for these vital services.

The Minister, whom I like—he often speaks a great deal of sense—appears to have lost his grip. Perhaps he has been a Minister for too long and read too many briefs, instead of getting out there and seeing what is going on. He failed to answer the question posed by my hon. Friend the Member for Meriden. She asked him to show us the evidential basis for having fire control centres and asked whether a cost-benefit analysis had been undertaken. He said, "Oh yes, there is a cost-benefit analysis", but he has not published it and he did not show it to us. We had to wait for the hon. Member for Hayes and Harlington (John McDonnell) to tell us about the plain speaking of the regional management boards concerning the outline business case. They did not accept the case made to them: they did not believe that the claimed benefits would be delivered.

Nor did the Minister answer the question from my hon. Friend the Member for Banbury (Tony Baldry), who said that it is a question of the fire service's resilience not just after 2009, but during the intervening period. Indeed, that is true of many emergency services. We must remember the human dimension. It is all very well writing these ideas down in Whitehall, creating organograms and dealing with the maps and geography; it is when we try to put the ideas into practice and understand how the system is to be managed effectively in the intervening period by organisations—organisations consisting of people—that serious problems emerge.

The hon. Member for Brent, East (Sarah Teather) introduced us to the concept of "quangocratisation"—whatever that is. She argued on the one hand that voters had rejected elected regional assemblies, and on the other that the Liberal Democrats therefore think that we should move to elected regional government. That is a bizarre approach from the Liberal Democrats, as usual. I am afraid that, once the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) stopped digging himself into a hole, he rather confused me. He appeared to argue that big is better, and that the London fire control system is the biggest and therefore the best. He left to one side the relative resources deployed in London in comparison with the rest of the country, to which my hon. Friend the Member for Forest of Dean (Mr. Harper) rightly referred. When choosing examples of where the best technology was located, the right hon. Gentleman did not mention London, but Norfolk and Merseyside. If those two areas can lead the way in the application of new technologies, why cannot a smaller service be relied on to deliver the appropriate technology?

The fact is that the Government do not want to support more accessible and accountable services that mesh attention to local need and local partnerships with the application of best technology. Rather, as my hon. Friend the Member for Hemel Hempstead (Mike Penning) said, they want to make substantial savings, which they probably erroneously believe can be realised from economies of scale in the regionalisation of control centres.

Mr. Raynsford: Will the hon. Gentleman tell the House whether, in delivering public services, his party believes that it is right to look for the most cost-effective means while at the same time maintaining the highest standards of service to the public? If he does not accept that, will he explain why not?

Mr. Lansley: Of course we believe in cost-effectiveness and value for money, but two points need to be made. First, the Minister has not presented any evidence to demonstrate cost-effectiveness. Secondly, as I was arguing, the Government are prepared to cut costs in order to redirect money elsewhere. That is not wrong in itself. Spending money on fire prevention will indeed save lives. However, as my hon. Friend the Member for Hemel Hempstead rightly pointed out, those who work in the fire service today want to be able to respond to 999 calls effectively and they want to develop and structure their service in a way that is responsive to local needs. If regionalisation cuts costs but reduces effectiveness, it does not provide value for money. That is the key point.

My hon. Friend the Member for Daventry provided an almost impossibly large amount of information about the geography of his constituency and where he lives, but we entirely understood his point that it is all very well being at the centre of England, but it does not necessarily prevent one from being at everyone's boundary. The idea that by having fewer bodies we have fewer boundaries has been mentioned several times. Let us go to the absurd length of considering a service that is fully national in all respects. That might be said to mean that there were no boundaries, that everything was seamless and that all services would run at maximum effectiveness—but we know that that is nonsense. The real issue is determining the proper degree of rationalisation necessary to deliver effectiveness.

Mr. Boswell *rose—*

Mr. Lansley: If my hon. Friend will forgive me, many important issues were raised and I want to say a few words about the ambulance service.

Only a few hon. Members referred to the ambulance service, but it is a key issue. The Minister who is to reply to the debate knows that the Peter Bradley review was published earlier this year. She also knows that it suggested that some rationalisation was necessary to deliver a degree of strategic capacity for some ambulance services.

Let us consider the Avon, Gloucester and Wiltshire ambulance services, for example. My hon. Friend the Member for North Wiltshire (Mr. Gray) mentioned that the Wiltshire ambulance service was felt to be too small to be able to deliver the necessary strategic capacity. My hon. Friend the Member for Windsor (Adam Afriyie) made a similar point about the Royal Berkshire ambulance service. Notwithstanding its three-star status, it was felt that it needed to be run on a Thames valley basis to deliver the requisite strategic capacity. In

neither of those instances and not at all in the Bradley review, was there any argument that the rationalisation of ambulance services needed to reduce them to as few as 11 trusts. On the basis of the Bradley review, we would be looking at about 25 trusts. Many of the relevant trusts are at the top of the star ratings, to which the Government attach so much importance: they are three-star trusts serving relatively small populations of about 1 million to 2 million.

A good argument can be made in some cases, but the problem arises if we move away from ambulance service trusts of about that size. What do we move to? The hon. Member for Brent, East mentioned the key point about ambulance services: they will be much less capable of integrating with emergency care networks. There is a whole agenda within the NHS of turning ambulance services into emergency care trusts that are capable—if the local emergency care networks or the primary care trusts wish to commission them—of delivering out-of-hours services. They are certainly capable of being first-response organisations. Ambulance services may even take over provider functions if PCTs are required to give them up. Any regional ambulance service would resemble the London service, which is not moving towards such innovations. It would be much less able to create the local partnerships that are so necessary and could not be managed in a way that would ensure integrated emergency care, because its standards would be set centrally.

If big were beautiful, the London ambulance service would be the best in the country. I have the greatest respect for its personnel, who responded magnificently on 7 July. However, they know, as do we, that the London service does not attain the same high standards achieved by other services. The question of how a service responds to calls was at the centre of the Bradley review, which showed that the London service was substantially less rigorous than many others. Moreover, its control centre does not have the computer-aided despatch process that other services enjoy. There is therefore no basis for the Government's proposals for the ambulance services.

In addition, the Minister failed to recognise an especially glaring anomaly. He said that the police service proposals were not set in stone and that any change would be service-led and based on open consultation. In contrast, with the ambulance service, we have not even got as far as public consultation on regional control centres, yet the Government have already decided that there will be 11 ambulance trusts. No evidence has been offered to show why that would be desirable and I know of no public support for the proposals. The people in the service to whom I have spoken believe that the proposals are driven entirely by the Government's cost-saving agenda. They do not believe that that is justified, nor expect the savings to be achieved.

I do not wish to embarrass the hon. Member for Hayes and Harlington, but he was able to answer a question posed by my hon. Friend the Member for Meriden that the Minister avoided. He said that the outline business case in respect of fire control centres was not supported by the available evidence and that documentation in his possession showed that the proposal was not supported by the regional management boards of the fire service.

It is not good enough for the Minister to say that he will write to the hon. Gentleman and place his letter in the Library of the House. He should have published months ago the cost-benefit analysis and outline business case that underlie the Government's proposals so that they could be subject to public scrutiny.

This has been a vital debate and I am glad that we have had it. It equips all of us with the ability to tell our constituents that we have challenged the Government but, more importantly, it has exposed the Government's failure to explain why they want to go down the path of regionalisation. The Government have been frustrated by the result of the assembly elections in the north-east, but nevertheless wish to proceed with the regionalisation of government. However, that regional government will remain under the control of the ODPM and central Government.

This Government have been in office too long and have forgotten that they are responsible to the people of this country. Instead, and one way or another, they want to run all the services in this country from Whitehall.

3.48 pm

The Minister of State, Department of Health (Ms Rosie Winterton): Naturally, I do not agree with the motion, but I am pleased that the debate has given us the opportunity to pay tribute once again to the work of our emergency services, whose dedication and commitment are second to none. As my hon. Friend the Under-Secretary said—his words were echoed by my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) and by several Opposition Members—the events of 7 July gave us a tragic reminder of the invaluable work performed by the people who staff our emergency services. I am sure that the whole House wants to pay tribute to them.

This debate has also allowed us to discuss how to shape our emergency services for the 21st century, and for all the new demands and challenges that we face. It is true that our police, fire and ambulance services are all undergoing change. That is not only because we want high-quality local services, but because we need to have emergency services that can deal with major incidents, whether terrorist attacks, chemical incidents, major transport accidents or natural disasters such as the floods that we have seen all too often in recent years. All the evidence and lessons learned over the past few years point to the fact that major incidents require a co-ordinated response across local boundaries. Specialist equipment is often required and personnel from a wider geographical area may need to be called upon. It has to be possible to mobilise at short notice resources from outside the immediate area. Disasters do not respect local authority boundaries and we have to have emergency services that respond to that fact.

As my hon. Friend the Under-Secretary said about the fire service, we need to upgrade our communication and control centres so that they can deal as effectively as possible with major incidents. He also said that, in July, the London fire brigade showed the importance of being able to respond at a regional level. It is generally accepted that a similar strategic approach is necessary throughout the country.

Richard Younger-Ross: The new control centres rely on phone location identification for landlines and

[Richard Younger-Ross]

mobile lines. I understand that the software for landlines is not yet in place and that it is certainly not in place for mobile telephones. Will the Minister give an assurance that no regional control room will open until that software is in place and that all phones can be identified on the computer?

Ms Winterton: I understand that, in a number of areas, the software is already in place and it goes without saying that that will all be taken into account in opening regional centres.

I felt that the debate was slightly like a branch meeting of the Fire Brigades Union, not only because of my hon. Friend the Under-Secretary's background but because of the contribution of the hon. Member for Hemel Hempstead (Mike Penning), who started well but deteriorated when he criticised some of those working in the service. In terms of the local changes to the fire service, my hon. Friend has heard the comments made by my hon. Friend the Member for Blyth Valley (Mr. Campbell). I understand that the Under-Secretary wrote back to my hon. Friend two days ago and he will respond, as he said he would, to my hon. Friend the Member for Hayes and Harlington (John McDonnell) to his points about finance. We will look into the points about the contract made by the hon. Member for North Wiltshire (Mr. Gray). I hope that my hon. Friend also reassured the hon. Member for Forest of Dean (Mr. Harper) on the new technology.

With regard to the police, my hon. Friend said that the independent inspectorate was clear that a move to larger strategic forces across England and Wales would provide the best business solution to ensure that every force had sufficient capability and capacity to provide the full range of protective services, including preparedness for response to large-scale incidents, alongside effective neighbourhood policing.

The hon. Member for Brent, East (Sarah Teather) spoke about further consultation and the police themselves have made proposals, but we will pass on her point and that of the hon. Member for Daventry (Mr. Boswell) about future consultation to follow on from the proposals, which are to received at the end of December. As the hon. Member for South Cambridgeshire (Mr. Lansley) pointed out, the ambulance services review was carried out by the chief executive of the London ambulance service. The review concluded that we need fewer and bigger ambulance trusts if they are to be able to respond to major incidents, as well as to invest in the people and resources needed to increase the range of services that they provide for patients and the public. Our proposals will ensure that resources are targeted at where they are needed most and that they improve patient care and support front-line services.

We propose that there should be 11 trusts that will align with the Government Offices for the Regions, the fire service control rooms and the proposed strategic health authorities and be set up within boundaries that enable closer co-operation with police forces. For the first time, ambulance trusts will be aligned both with services that respond to major emergencies and services that provide day-to-day health care.

Mr. Lansley *rose—*

Ms Winterton: If I may anticipate the hon. Gentleman's point, a particular example of a gain from our proposals is the training of emergency care practitioners. If that is done on a more strategic level, the training will be improved and skills and potential enhanced.

Mr. Lansley: One of the best ambulance trusts in the country—its standards are reflected in its star ratings—is the Staffordshire ambulance trust. We have heard from hon. Members across Staffordshire that the trust delivers an effective service and that it is innovative and at the leading edge of ambulance trust delivery. Why does the Minister think that regionalisation would improve that trust? The implication of what she has just said is regional control centres for ambulance services, but the Government have not said that they propose such centres.

Ms Winterton: No, that is not the case. We will consult on the proposals for 11 trusts, but we have also made it clear that decisions about control rooms will be taken at local level. There are some very good ambulance trusts and the idea is not that their standards should be brought down by merging. The idea is that they will help to improve other ambulance trusts—an idea that has worked time and again in the NHS. We will have services that can respond properly and strategically at regional level and also reflect needs at local level.

Paul Farrelly (Newcastle-under-Lyme) (Lab): The effectiveness of the Staffordshire ambulance trust has already been pointed out and my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) raised it with the Prime Minister. Will my hon. Friend the Minister give an assurance that, after the consultation, we will not have a one-size-fits-all solution imposed and that, if local arrangements are shown to work, the Government will not try to fix them?

Ms Winterton: If my hon. Friend had been in his place earlier, he would know that my hon. Friend the Under-Secretary made it clear that the proposals were all about being responsive at local level, as well as good strategic co-ordination. They are not about changes to front-line ambulance service provision. Local innovations and successes would be not only preserved, but shared to benefit all. This is an opportunity to lift the quality of the lowest and set a high benchmark.

The hon. Member for Meriden asked why we have proposed the changes. The answer is simple: we want better, faster services that are more responsive to major incidents. It is extraordinary that the Opposition choose to denigrate the fact that we are ensuring that our emergency services can respond as effectively as possible at regional and neighbourhood level.

What did the Conservative party offer the emergency services and the public when it was in power? Crime doubled, the NHS was run into the ground and the fire

services, as my right hon. Friend the Member for Greenwich and Woolwich so eloquently put it, were left to stagnate with no attempt to modernise or invest in them to make them fit for the 21st century. The Conservatives learned no lessons at the last general election, because the patient's passport would have taken £1.2 billion out of the NHS—almost exactly the cost of the ambulance service in England.

The debate has once again underlined the fact that it is the Government who are in tune with what the public want—policies that the public endorsed at the general election—which is modern, up-to-date emergency services that are properly equipped, with proper training, and properly co-ordinated to save lives and protect the public.

Once again the Opposition are swimming against the tide of public opinion and fighting the battles of the past. I urge my hon. Friends to vote against the motion and for the Government.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 241, Noes 298.

Division No. 53] **[4 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Mr. Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Mr. Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy

Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Andrew Selous and
Mr. Peter Atkinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burden, Richard
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malliaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Steele, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael

Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. John Heppell

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House supports local, regional and national co'laboration to improve public safety and health; welcomes the continuing reduction in fire deaths which Fire and Rescue Authorities have achieved in partnership with the Government and other stakeholders; welcomes the positive role played by local authorities in Crime and Disorder Reduction Partnerships and the fall in crime as a result; welcomes the public consultation underway to ensure police force structures protect the public from terrorism and organised crime, while continuing to provide responsive neighbourhood policing that meets the needs of local communities; welcomes the proposed managerial changes in ambulance trusts which will cut overheads and bureaucracy, while boosting investment in front-line staff and services for patients; and congratulates the Government on increasing expenditure on all the emergency services since its election in 1997.

Tackling Climate Change

Mr. Deputy Speaker (Sir Michael Lord): I must advise the House that Mr. Speaker has selected the amendment in the name of the Prime Minister. I also tell the House that Mr. Speaker has placed a 10-minute limit on Back-Bench speeches in the debate.

4.16 pm

Mr. Oliver Letwin (West Dorset) (Con): I beg to move,

That this House regrets the Prime Minister's apparent willingness to abandon the effort to achieve a second Kyoto agreement; and calls upon the Government to implement a system of independent monitoring which will assist governments in achieving the Royal Commission's target reduction in emissions by 2050.

I also make a declaration of my interests in the register.

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): What interests?

Mr. Letwin: The right hon. Lady asks how I can possibly have any interests. I am not sure that I do have any interests, as a matter of fact, but I always try to follow the path of greatest assurance.

The problem of climate change is manifestly global. I do not think that anyone on either side of the House is in any doubt that the problem requires global solutions. It is also clear that the Prime Minister has grasped the global nature of the problem. It would be fair to pay him the tribute of saying that since Lady Thatcher's speech many years ago, he is probably the person in British politics who has most signally grasped that fact. What is more—this might not necessarily give some of my colleagues great satisfaction—I must say that I think that the Prime Minister is right that we will not make significant global progress until and unless we realise what the Americans, Chinese, Indians and Russians are clearly now recognising: the solution to the problem of increasing carbon emissions does not lie in trying to persuade the entirety of the inhabitants of the globe to live like monks in the middle ages, or in trying to pretend away the serious problems of competitive advantage if some economies engage in certain activities, while others engage in others. In short, there is no doubt at all that the United States will not participate unless and until China, India, Russia, Brazil—probably—and possibly Japan are fully locked into a process. So far, I agree with the Prime Minister.

I must say, however, that I read with some dismay the Prime Minister's remarks—made not here in the UK, of course, but in the States—suggesting that he had abandoned the hope of some years hence moving from a stage at which there was a joint and laudable effort to introduce new technologies to one at which there could be a wider second Kyoto—although I care not whether it would be called that—that would represent a much wider binding agreement across the great majority of the economies of the world that targets would be achieved for carbon reduction. We still need to strive towards that goal, so I hope that the Secretary of State will be able to relieve my anxiety and let us know that the Prime Minister's remarks have been misinterpreted and that

[Mr. Letwin]

although he does not believe—as I do not—that there will be a second Kyoto agreement in short order, he nevertheless hopes to negotiate such a universal binding agreement in due course. If that is the Prime Minister's view, we share it.

David Taylor (North-West Leicestershire) (Lab/Co-op): The right hon. Gentleman makes typically delphic opening remarks, but says that he agrees with the Government and the Prime Minister about the importance placed on global warming. He also makes positive remarks about Lady Thatcher and others. Bearing in mind that the Conservative party has decided to take the time to debate climate change and global warming, is it not odd that it barely mentioned it in the general election? To what extent was it referred to in the manifesto?

Mr. Letwin: As a matter of fact, I think it was odd that both the hon. Gentleman's party and mine—I exempt the Liberal Democrats from this—did not spend nearly as much of the general election campaign discussing the issues as we collectively should have done. It is a just accusation that the manifesto should have included some things more than it did. I am not going to pretend otherwise. I do not specialise in delphic utterances. That is about as clear as one can get. It is time for our parties to put the subject higher up the political agenda. When he has heard the rest of my remarks, he will see how I intend, and hope, to persuade British politics as a whole to move in that direction.

Ed Balls (Normanton) (Lab): I take the right hon. Gentleman's commitment to tackling climate change at face value. Does he regret that his party opposed the climate change levy, which was introduced to pursue climate change? Will he unequivocally tell the House that he has changed his party's mind and that it now supports the levy?

Mr. Letwin: No, and I shall explain why. The climate change levy is an extraordinarily inept tool. It has one very good aspect—the climate change agreements that have been reached with big industry—but it has one very bad effect, which the hon. Gentleman and his erstwhile, and perhaps future, master in the Treasury intended it to have. It raises a large amount of money for the Treasury from a large number of small firms, but the effect on their performance in relation to climate change is precisely nil. That is not a well targeted or well designed environmental levy. Our solutions are superior. I hope that, in due course, the Labour party will come round to them.

Paddy Tipping (Sherwood) (Lab) *rose—*

Mr. Letwin: I shall give way to the hon. Gentleman, not least because of his distinguished role in yesterday's proceedings on the Natural Environment and Rural Communities Bill. I then intend to make progress.

Paddy Tipping: I shall try to be helpful again. The right hon. Gentleman referred to pushing climate change up the political agenda and in particular to the role of the Prime Minister. Let us be clear on this. Does he accept that the Prime Minister got it on the G8 agenda, that it will be discussed at the G8 summit in St. Petersburg next year, and that he has met China, India and Russia? How much more should we do in an international setting? Is not that a good record?

Mr. Letwin: I am coming on to what more should be done, but I accept that the Prime Minister has done noble work in putting the subject higher up the international agenda. However, discussions between China, India and the United States went on largely without his involvement. That is no discredit to him. He has since taken a leading role in furthering those discussions. That is to his credit. We are not in disagreement about that. My problems relate to the fact that apart from having apparently given up the idea of a second Kyoto—I hope that the Secretary of State tells us that that is not the case—the rhetoric domestically has not been matched by delivery domestically.

Richard Ottaway (Croydon, South) (Con): My right hon. Friend started in a consensual manner, but a slightly partisan note has crept in from Labour Members. In that case, is it not worth pointing out that the record of the previous Conservative Government, who dramatically reduced CO_2 emissions, looks far more impressive than anything that this Government have done since coming into office?

Mr. Letwin: I shall perhaps make a political mistake by making an admission to my hon. Friend. Factually he is right that under the Conservative Administrations in the 1990s there was a substantial reduction in carbon dioxide. However, having been personally involved in the restructuring of the electricity supply industry, that was a serendipitous effect of the dash for gas. We cannot claim that it was part of a well co-ordinated plan to reduce carbon emissions. *[Interruption.]* Before Government Members giggle too much, they should recognise that that is symptomatic of the position of this Government. I fear that there is no sign of a well co-ordinated plan to reduce carbon emissions, and that is the germ of my argument. Governments of both political persuasions have failed to develop a well co-ordinated plan. In one case, the dash for gas led to carbon reductions but in the other, apart from a change in the production of adipic acid, there has been hardly any movement at all except for recent adverse results. That is the main thrust of the arguments that the hon. Member for Lewes (Norman Baker) and I shall make today.

It is hardly worth looking at the year-by-year carbon emission figures because they dart around. The most honest and compelling way to look at the figures is to consider three-year rolling averages. I cannot recall such a clear pattern. In 1992, the three-year rolling average for CO_2 emissions in terms of millions of tonnes of carbon equivalent was 165. It dropped in 1993 to 163; in 1994, to 159; and in 1995, to 157. It remained at 157 in 1996, and dropped in 1997 to 156—the point made by my hon. Friend the Member for Croydon, South (Richard Ottaway). Since 1997, the three-year rolling

average has been 156, 153—it dropped a little—153, 154, 154, 155 and 156. In short, it has gone back up to 1997 levels.

David Taylor: That is the result of economic growth.

Mr. Letwin: Economic growth may well have contributed to the carbon increase, but I am sure that the hon. Gentleman does not want to advance the proposition that we should avoid economic growth. If we are to have sustained economic growth, as we both want, and if we are serious, which I am and which I suppose he is—certainly the Secretary of State is—about trying to achieve carbon reduction we must find a means of allying it to economic growth, not explaining away carbon increases in terms of economic growth.

There is an empirical fact of the matter. I do not wish to attribute blame to anyone, and am merely stating the facts. We are moving remorselessly in the wrong direction domestically. It is true that that has been masked by a particular change in 1999, when the production method of adipic acid altered and nitrous oxide was reduced serendipitously. That will not happen again, and I know of no other industrial process that will make a similar contribution. We are now on a track which, without a significant change of course, will lead to an increase not a reduction in carbon emissions in this country.

Malcolm Bruce (Gordon) (LD): The right hon. Gentleman is spot-on, but does he agree that we are where we are because of a regulatory framework that has produced unintended consequences, including the destruction of investment in combined heat and power? Does he not acknowledge that unlocking that investment would reduce greenhouse gas emissions substantially and enable us to meet the Kyoto target? Does he agree that the Government ought to find a mechanism that does so?

Mr. Letwin: The sad demise of combined heat is only one element of many contributing to this sorry tale. Others include the lack of micro-generation and the fact that boilers are not being replaced with micro-generators; the difficulty of installing small domestic windmills on people's houses; the relationship to the electricity supply industry; the lack of enforcement of building regulations; the fact that we are building large numbers of environmentally unfriendly houses; and the fact that our transport system does not yet have a renewable transport fuel obligation despite years of inquiry. Those factors, and many other things besides, have contributed to the problem, and each of them is important.

I want to discuss an overarching question: how can we—as a country, as three political parties and as the Government or a potential alternative Government—ensure that we do not have debates in the House of Commons for the next 50 years in which anybody who is honest must stand at the Dispatch Box and say, "The situation is getting worse rather than better"? That is not a partisan point, because many hon. Members on both sides of the House agree with it.

I could suggest to my party that at the next election we should address the problem, to which the hon. Member for North-West Leicestershire (David Taylor) rightly alluded, of our not being seen to be involved in environmental affairs, by adopting a partisan position. The way things are going, nothing would be easier than adopting that approach. We could spend a lot of time picking holes in the Government's record, but it would not be productive.

Today, the hon. Member for Lewes and I are proposing a productive agreement involving the Secretary of State and the Government, because we have an opportunity to agree on some things. The opportunity exists, because we already agree on a subset of those issues—for some time, all three political parties have been signed up to the idea of reducing emissions in this country by 60 per cent. between now and 2050, which is a considerable rock on which to found much else.

It cannot be rationally asserted that three political parties in a mature democracy have signed up to a target for 2050 without it following that those three parties can agree year-by-year targets between now and 2050. We cannot get to a 2050 target by waiting until 2049, and we all know that there must be a path between here and there. The nature of the path, which will involve energy security, economic progress and available technologies, is immensely complex, and much room is available for discussion, which should commence now.

There are good grounds for supposing that we can go further, because we can all agree to the blindingly obvious. Just as the hon. Member for Normanton (Ed Balls), who intervened earlier, was right to establish the Monetary Policy Committee as an independent body to help to countervail against the natural tendency in a democracy for Governments to take short-term decisions, which may have bad long-term consequences, on interest rates for electoral reasons, so it is clear that in the domain of climate change and environmental policy, a distinct tendency exists in our or any other democracy for Governments to take a short-term position that leads to long-term deficiencies.

Just as the MPC corrected that effect, we need an independent monitoring body to engage in a probabilistic analysis along the lines of the MPC's trumpet-shaped curves. Such a body would come to Parliament every year, when it would state whether on present policy the Government of the day have a 50 per cent. chance, a 90 per cent. chance or a 2 per cent. chance of meeting the year-by-year targets to which all three parties would have signed up in the world that I am gesturing towards. That does not mean that the Government would immediately have to take specific action—nobody can remove the democratic power that lies with a Government—but they would be sorely embarrassed if they did not take actions that led to such a body predicting a high likelihood of meeting the year-by-year targets.

In the course of our joint endeavours during the past 24 hours, the hon. Member for Lewes has made the good point that a Government who increased the probability of meeting those targets, as assessed by the independent monitor, and who knew that both of the other major political parties were also signed up to the process, would be immune from petty politicking, which would otherwise go on all too easily, along the lines of "You are causing a cost for my constituents. I can make some political capital out of this, notwithstanding the fact that I know that the policy is

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right, if we are to meet the targets in the long run." That would be prohibited, so to speak, because all three parties would be conjoined in a consensual approach to these matters. That is a very desirable result.

Ed Balls: I am interested in the right hon. Gentleman's analogy about independent advice. Back in 1998, the Government went to the president of the CBI—who, I am sure you would agree, is not at all a partisan political figure—and asked him to look at the issue of climate change. He recommended, independently of Government, that we move towards emissions trading in the long term, but in the short to medium term we should have the climate change levy, with negotiated agreements, and supported by the CBI. For partisan political reasons, the right hon. Gentleman and his party opposed it. How can he now, with any credibility, lecture us about not being partisan?

Mr. Deputy Speaker: Order. Let me remind the hon. Gentleman that he must use the correct parliamentary language when addressing the House.

Mr. Letwin: The tone of voice that I was attempting to adopt was one not of lecturing the hon. Gentleman but of making a positive proposal about a way in which the three parties might go forward. If he wants to persist in the rather paltry business of continually defending a partly defensible and partly indefensible position in relation to a tax that has had some desirable effects but others that are unfortunately not so desirable, that is a pity. Rather than worrying about all that, we have an opportunity to do something that is of extraordinary significance not only for the way in which this country behaves but in giving us the ability to engage in moral leadership globally. Unless we make serious strides, not backwards but forwards, in reducing carbon, we cannot lead globally to anything like the extent that the Prime Minister rightly wants.

Andrew Selous (South-West Bedfordshire) (Con): Does my right hon. Friend agree that we are unlikely to make progress on climate change until the public take it more seriously, and that we have all failed in doing that job? By way of a small example, I made climate change one of the lead items on my election literature, but not one person in my constituency commented on it during my campaign, either positively or negatively.

Mr. Letwin: This debate is in danger of turning into something that is positively interesting. My hon. Friend is right to say that most people in this country are not particularly interested in what we are debating. I very much doubt that it will feature as the main item on the 6 o'clock news. However, I do not agree with him that we should therefore wait until people are interested. In fact, we have the opportunity to engage in leadership of the sort that he demonstrated in his leaflet; and we can go further. The very fact that most people do not put this high on their agenda is the reason why we and the Liberal Democrats have come to the conclusion that we need a cross-party consensus so that we can do the right things, notwithstanding the fact that they will often not gain immediate electoral appeal.

Robert Key (Salisbury) (Con): In pursuing this excellent new initiative, will my right hon. Friend not forget to bring on board local government? He said that housing has not been a tremendously good example of how we can save energy and contribute to climate change. I asked a major developer who was constructing part of the largest industrial development in my constituency, Solstice park, near Amesbury, "Why haven't you got greener buildings?" They said, "The building regulations don't require it and the local authority doesn't encourage us to do it, so we don't."

Mr. Letwin: My hon. Friend, who has a long and distinguished record of interest in those matters, is right that local government has a major part to play. So does national housing policy, which brings me to my penultimate point.

I do not know whether the Secretary of State will admit it, but I suspect that she does not greatly disagree with most of my comments. I also suspect that she, through no fault of her own, is in a position in Whitehall that often makes it difficult to pull levers and find something at the other end. I suspect that she often pulls levers only to find that there is not much at the other end. The reason for that is the way in which the power structures of Whitehall operate. Many powerful forces are at work in Whitehall—the Treasury, the Office of the Deputy Prime Minister, the Department for Transport, energy and the Department for Trade and Industry, which sponsors it. Each is a power base. It is difficult to corral a whole Government into a joined-up policy—to adopt one of the Government's favourite phrases—that delivers a serious reduction in carbon while keeping the lights on and the economy growing.

The sort of cross-party agreement and framework that we and the Liberal Democrats propose would have the added effect of immeasurably strengthening the Secretary of State's hand—and, bizarrely, that of the Prime Minister—against other Departments because it would suddenly become almost imperative for them to play along with the effort to do something serious about carbon. That would be true of not only the current regime but subsequent Governments of different hues. The Secretary of State has a personal interest in playing an active role in moving in the direction that we and the Liberal Democrats suggest.

Mr. David Chaytor (Bury, North) (Lab): The right hon. Gentleman has been speaking for 25 minutes and has told us what we read in *The Independent* this morning. Does he accept that it is easy to talk about a new Lib-Con coalition, which I welcome—I hope that the Secretary of State responds positively to it—but that hon. Members want to hear his specific proposals for backing up the coalition? Does he acknowledge that he opposed interim targets in his election manifesto?

Mr. Letwin: No. We have not opposed interim targets; indeed, I am proposing them. Although I have been speaking for 25 minutes, I have spent much time answering interventions. I do not have concrete proposals and there are two reasons for that.

First, I came to the post three or four months ago and I have been working helter skelter to get my party into a position whereby we can make concrete proposals. We have been developing the computer programmes and

in-house expertise that is required to enable us to participate constructively. By the time the climate change programme review is announced, we will have had many of the discussions and be able to enter into it.

Secondly, even when we are in a position to make concrete proposals, rather than the hon. Member for Lewes or us saying, "Here are our proposals; take them or leave them", we would like to have a three-party discussion and try to devise proposals with which we can all live and that will not be "the Government's proposals", "Conservative proposals" or "Liberal Democrat proposals" but joint proposals. I understand that that will be a culture shock in British politics but if we do not do that we will not have something that stands the test of different regimes.

Pete Wishart (Perth and North Perthshire) (SNP): If the right hon. Gentleman asks nicely, he might even have four-party support for his proposals. Before we invest in such a grand coalition, he would have to convince us that the Conservatives are genuinely committed to tackling climate change. In Scotland, we observe Conservatives running around opposing almost every renewable scheme. Will the right hon. Gentleman comment on that?

Mr. Letwin: I cannot invite the hon. Gentleman and his party into a multi-party coalition about devolved matters. I hope that we can co-operate with other parties in other parts of the United Kingdom about matters that are not devolved. We need to take a proactively favourable attitude to renewable power.

We also have to recognise that there are limits on each of the solutions to the problems of carbon emissions. That is why no one solution is the answer. In the few months that I have been doing this job, I have been extraordinarily impressed by the number of people who have said to me, "My solution is the solution." Each one is wrong, not in the sense that their solution does not have a part to play, but in the sense that we need all of them to a moderate and limited degree that recognises the constraints involved. Those involve other environmental constraints, including non-carbon environmental constraints, economic constraints, and constraints relating to the supply and timing of the technologies.

Alan Simpson (Nottingham, South) (Lab): Will the right hon. Gentleman accept that, even if he is not in a position to come forward with concrete proposals at this stage, the House as a whole has a responsibility to address some of the ambiguities about climate change that his colleagues have raised? It is not that the public are uninterested in the issue. If we ask them whether they are bothered about flash flooding that sends sewage into their streets and living rooms, they are as sure as hell interested. If they are asked whether they are worried about their cars being swept down the streets of Boscastle, they are interested. They would also have been interested if they had been asked, during the summer of 2002, whether they wanted to die of heatstroke. As politicians, we must at least begin to consider the practical realities of the climate change challenges that threaten the very lives and livelihoods of the citizens we represent.

Mr. Letwin: I agree that we have to bring home to people the relationship between these apparently abstract matters and the very concrete results, which are of huge importance. In doing so, however, we must not make the mistake of asserting causal connections that are either tenuous or non-existent. We must not suggest that every appalling event that occurs is the direct consequence of climate change, when many of them are not. That is a difficult balance to strike. We must bring it home to people that we are talking about the distinct possibility—indeed, the likelihood—of significantly increased numbers of catastrophic events taking place some years hence if we do not take action now. That is a difficult proposition to get across in a democracy, but I believe it to be possible, and because we are talking about taking action now to affect a time far in the future, doing it together is the only option.

Several hon. Members *rose—*

Mr. Letwin: I believe that I have tired the House long enough. If I answer any more points now, I shall be accused of going on too long.

4.47 pm

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"congratulates the UK Government on the unparalleled leadership it has shown in raising the issue of climate change up the international agenda; welcomes the outcomes of the G8 Summit in July in Gleneagles and the UK's achievements in establishing a new momentum in international discussion on climate change; further welcomes the Government's commitment to work towards agreement on the long-term goals and action needed to stabilise the level of greenhouse gases in the atmosphere and the UK's commitment to seek further international action through the EU Presidency, the first meeting of the G8 dialogue on 1st November and the Montreal meeting in December; commends the Labour Party for its continuing objective to reduce emissions by 20 per cent. by 2010; and welcomes any support for measures that will actually reduce UK emissions.".

I must begin by saying that, with great respect to the measured tone adopted by the right hon. Member for West Dorset (Mr. Letwin), both the timing and the wording of the motion strike me as faintly odd. The motion

"regrets the Prime Minister's apparent willingness to abandon the effort to achieve a second Kyoto agreement".

I say that the timing is somewhat odd because this debate occurs between two relevant events. Last week, I co-chaired a two-day business conference sponsored jointly by my Department, the Department of Trade and Industry and the Climate Group. That conference was clearly germane to these issues. And in only a couple of weeks' time, we shall see the first meeting involving an unprecedented dialogue: the Gleneagles dialogue.

I am grateful to the right hon. Gentleman for paying tribute to the Prime Minister for his activities in this regard, but we should place it clearly on record that no Government and no leader anywhere in the world have done more than our Prime Minister to create the circumstances in which the world community—and I mean all the world community—can begin to explore the possibility and scope of international negotiation beyond the first Kyoto commitment period. This country ought to take pride in that.

[Margaret Beckett]

I suspect that most world leaders would have thought that fighting and winning a general election campaign provided enough pressure for one year, and, if forced by chronology to combine that with the presidency of the G8 alone, never mind that of the European Union, would perhaps merely have used the opportunity to be seen on the world stage. However, it has been widely observed that our Prime Minister has made more forceful and more constructive use of the G8 mechanism than anyone can remember. It was as a result of his efforts that the World Economic Forum meeting in Davos in January—for the first time, I think—had the impact and opportunities of climate change as a major item on its agenda. At that meeting, he not only made a keynote speech but hosted a breakfast with 30 senior players, each from a different sector of global business, to ask them to stimulate discussion in their sector on the challenges of climate change and report back before Gleneagles, as they did.

In February, we hosted a scientific meeting in Exeter, and the consensus of that expert group was greater certainty about global warming, which was the bad news, but that tackling it should cost less than predicted if done early enough, which was the good news. In March, we organised a round table discussion of Energy and Environment Ministers from some 20 countries with major and growing energy needs—another first—at a meeting which also drew in major players from industry and finance, as well as countries such as India, China, Brazil, Indonesia, South Korea and so on. Then, in July, at Gleneagles, the Prime Minister brokered agreement not only that all the G8 accepted that there was a consensus on the science but that global emissions should slow, stop and reverse, and that there should be an action plan to help to deliver on that agreement—a plan that engaged not only the G8 but the World Bank and International Energy Agency. I am genuinely uncertain as to whether this part of the agreement—on the outcome needed and the steps that might deliver that outcome—was the most significant achievement from Gleneagles, or whether it was the equally unprecedented agreement to a follow-up dialogue to explore what might be done to move forward on tackling climate change.

Bluntly, therefore, what makes no sense at all, despite the right hon. Gentleman's measured tone, is the rather ridiculous suggestion in the motion that after all that personal commitment of time and energy—made in the face of much discouragement—towards a future international agreement, the Prime Minister has suddenly abandoned the idea. It certainly makes it a little hard to take as seriously as I would like to do the right hon. Gentleman's recent suggestions that we should rise above party political jibing and strive for a cross-party consensus on climate change.

Norman Baker (Lewes) (LD): Far be it from me to interpret the Conservative motion, but I read the concern expressed in the first line not as a criticism of what the Prime Minister has done, as many of us recognise that he has done a lot this year, but as a concern that in his efforts to achieve an international agreement, he might have concluded that the way to do so is to abandon the idea of mandatory national targets.

Margaret Beckett: I know of no evidence that backs up that concern. There has been much over-interpretation of some remarks that the Prime Minister made in New York, not least, I might add—I am not sure whether this is wholly clear to Members of the House—as a result of a rush of blood to the head on the part of some in the United States who still cling to the notion that there is no such problem as climate change, and who leapt immediately to the conclusion that the Prime Minister was agreeing with them, which would certainly be a first.

Mr. Peter Ainsworth (East Surrey) (Con): We should not labour this point, but the Prime Minister did say that he was changing his mind, did he not?

Margaret Beckett: As I said, there has been a certain amount of over-interpretation. The Prime Minister has not changed his mind about the need for future international action in any way, shape or form.

Mr. Letwin: We may be making significant progress here, and perhaps I have misinterpreted the Prime Minister. Is the Secretary of State saying that the Government still believe that it is necessary to reach, after whatever technological investment programme might take place, a series of national and binding targets across a wide range of nations, including the United States, China and India?

Margaret Beckett: If I may, I will deal later in my speech with the shape of how international discussions might go forward, as I think that people are getting several steps ahead of themselves. I will say two things that might reassure both the right hon. Gentleman and the hon. Gentleman. First, in the discussions referred to in New York, the Prime Minister said specifically:

"I don't think all the answers lie in just developing the science and technology."

He then talked about how we move forward post-Kyoto.

We can all, I hope, sign up—albeit with varying degrees of commitment—to the need to tackle the impact of climate change. As was said in an intervention, that is the easy bit, but there is not much point in reaching a consensus on the problem if, the minute difficult decisions on what to do about it come along, the would-be consensus rats and runs away. So let us rise above such silliness in the motion—I accept the right hon. Gentleman's point about misinterpretation and hoping to be proved wrong—and consider what this consensus might consist of, apart from agreement that there is a problem.

The Conservatives seem at last to agree—the right hon. Gentleman said that this has been his party's position for some time—with the Government's major target of cutting carbon dioxide emissions by 60 per cent. by about 2050, as set out in our energy White Paper. He is being unjust to himself in suggesting that this is a longstanding Conservative commitment; but however recent it is, it is certainly welcome. But what else is there? I looked for clues in the motion, which talks about an independent body to monitor emissions. Indeed, that was the tenor of the right hon. Gentleman's remarks, but it is not entirely clear to me why he thinks that such a body would be a major help.

Our emissions data are already compiled according to international guidelines, and they are scrutinised by—among others—the National Audit Office and are subject to international peer review, under guidelines agreed by the United Nations framework convention on climate change. Far from there being concern about the UK's work on emissions monitoring, it has an outstanding international reputation.

So is there something more for which the right hon. Gentleman is calling? Perhaps I am now over-interpreting, but a clue might be found in a 20 September article in *The Daily Telegraph*. Charles Clover reported what was said to be the right hon. Gentleman's view that

"an independent body, like the Bank of England"—

this takes us back to a point made in an earlier intervention on the right hon. Gentleman—

"should preside over the transition to a low carbon economy",

which should be achieved through a 3 per cent. per year cut in emissions. But although the Bank of England's independent role in the economy is crucial, it is specific and limited. It sets the level of interest rates, so what would this new body control and how would it control it? If the intention is to influence the price of carbon, would such a body control fuel prices under the next Conservative Government? Would that include controlling the price of oil, gas and coal?

Mr. Letwin: I have undoubtedly made myself insufficiently clear, given that I failed earlier to persuade the right hon. Lady of my point. What I meant to say is that there needs to be a body that predicts—in the way that the Bank of England predicts, through its probabilistic analyses—the chance of the Government of the day's meeting a set of year-by-year targets relating to the policies of the time. That is a very specific and extraordinarily important role which is not based on current monitoring, but which looks forward to 2050.

Margaret Beckett: If I may return to the analogy that the right hon. Gentleman himself drew, such a role forms a small part of any comparison with the role of the Bank of England, which, as I said, does not merely comment but holds some of the levers of power. I am slightly disappointed in the right hon. Gentleman's response, and I am inclined to turn back on him an observation that he made to me. Perhaps it would have been better to secure agreement among his own Front Benchers—I take his point about policy entirely, and I do not criticise the Conservatives for reviewing their policies—and to have established a more detailed proposition that is genuinely in keeping with how the Bank of England operates.

I did wonder whether the right hon. Gentleman had it in mind that such a body would advise on building standards, so as to ensure greater energy efficiency. I take his point that he was confining his remarks to the question of monitoring. However, listening to this exchange—I look forward with great interest to hearing the supporting comments of the hon. Member for Lewes (Norman Baker)—I wonder whether, when we next hear from the spokesmen for the fuel protests, both parties will urge the Government not to be flexible. That would certainly be interesting.

Let me make it plain, Mr. Deputy Speaker. I would welcome a real cross-party consensus on climate change. We would probably never reach the stage of total agreement on every policy, but a recognition of the need for harsh choices and a willingness to face up to them would definitely be steps in the right direction. I accept—my hon. Friend the Member for Normanton (Ed Balls) may be less keen—that the Opposition include those who dislike the climate change levy. For the sake of this debate, let us say fair enough, but what would they do instead that might deliver the same results? Let us not forget that, for all the criticism—some of it unjustified—of the Government's record, our technical advice is that, without the totality of the measures in our climate change programme or something of equal magnitude to replace them, our carbon dioxide emissions will be 5 per cent. up on 1990, instead of more than 5 per cent. down.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): My right hon. Friend is moving in the right direction on tackling the problems of climate change that lie ahead of us, but many problems are already with us. On 30 June, my constituency experienced a major flood and our sewers were unable to deal with peak loading as a result of the heavy rain. The water authority told me that the problem was not unique to Newcastle, but probably applied around the country. Has my right hon. Friend or her colleagues in other Departments made an assessment of what needs to be done, and has she talked to the water authorities about those matters?

Margaret Beckett: I cannot honestly say whether a specific assessment of the problems arising in Newcastle has been made. I am sorry to learn about how my hon. Friend's constituents have been affected, but I can certainly confirm that it provides a classic example of the potential impact of climate change. We are seeing signs that the nature of our rainfall is changing. The way in which we handle it, the nature of our infrastructure and water storage, as well as our water use, must be kept under review. I can assure my hon. Friend that the Government view those issues as of considerable importance. We are concerned not just with flood prevention schemes and the like, but with much wider issues. My hon. Friend makes an important point about the overall impact of these problems.

Mr. Deputy Speaker, I am certainly prepared for the time being to give both Opposition spokesmen and their parties the benefit of the doubt. Indeed, I will even stop pointing out—not least because I suspect that it is as much an embarrassment as it should be to the hon. Member for Lewes—that the Liberals campaigned successfully against a congestion charge in Edinburgh. On domestic policy, I give them both notice—I shall leave the point here—that we will judge them as they claim to judge us: by their actions and not just by their words.

I want to turn now to the international scene, where I hope we might find common ground more readily, as long as we all understand the true position. A year ago, there was no willingness in the international community even to mention the future beyond 2012—the end of the first Kyoto commitment period—let alone to begin to think about dealing with it. Before anyone on any side of the House grabs for the easy option and starts muttering

[Margaret Beckett]

about George Bush, let me be crystal clear about it, so there can be no doubt in any part of this House. I mean no willingness outside the ranks of the EU and those countries that can already see their very existence threatened by global warming.

The fact that at Gleneagles not only the G8 themselves—itself no small feat—but Brazil, India, China, South Africa and Mexico agreed to begin to engage in just such a discussion is, frankly, a major and personal diplomatic achievement by our Prime Minister. Nor are we just pursuing dialogue. It was a UK-led initiative—it has not had much publicity, so it is entirely possible that hon. Members are not aware of it—in which, so far, my Department is bearing the lion's share, with support from the Department of Trade and Industry. At the EU-China summit in September, the initiative led to the signing of an agreement to pilot a clean-coal power plant in China. That is a massive and practical step forward.

My right hon. Friend the Prime Minister has signed a climate change partnership agreement with the Government of China. Moreover, during the UK's presidency of the EU, we also agreed a joint initiative with India. I know that I am saying the obvious, but it is always wise for the House to bear it in mind that countries such as those have immense and pressing problems of development, even without the already damaging impacts—in the present and the future—of climate change.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Is the Secretary of State aware that the Chinese have also just completed two new nuclear power stations? Does she think that the UK can continue to meet its global warming commitments without new nuclear build?

Margaret Beckett: I do not intend to get drawn into that argument today, but I am very conscious that China is building about one new power plant per week. It is not concentrating on nuclear power, but is drawing on every possible technology. China has vast coal reserves, and will continue to use them. It is looking at renewables, but the Chinese Government are so seized of the need for energy supply that they are looking at every alternative, including nuclear. Other countries are likely to go down that road.

Mrs. Theresa Villiers (Chipping Barnet) (Con): If the Prime Minister decides to go for the nuclear option as part of the Government's climate change strategy, does the Secretary of State think that he will be able to take his parliamentary party with him?

Margaret Beckett: I think that we are getting a little ahead of ourselves. I am sure that the hon. Lady is up to speed with these issues, even though she was not in the House when the Government produced our energy White Paper some two years ago. We said then that it would be most unwise to close down the nuclear option. However, if that option had to be reconsidered, we also committed ourselves to a very thorough examination of all the implications of such a course of action. We also committed ourselves to publishing a special White Paper on the matter, but I assure her that we are not quite at that point at present.

I have referred to the huge difficulties faced by China and India, but they are only two of the countries that demonstrate the other side of the coin. The potential silver lining to the vast cloud that has been described is the immense opportunity available to them to make use of assistance to develop in a sustainable manner, and the immense opportunity that those vast markets provide for UK and EU businesses.

Those countries, however, demonstrate another aspect that is absolutely pertinent to the prospects for international agreement. As I said a moment ago, China and India have massive needs, and those needs are, and will remain, the priority for their peoples. They are also proud and independent states, but they are only two among the 189 countries sending delegations to the Montreal meeting of the UN convention on climate change. I shall be frank with the House: to attempt to lecture or instruct those 189 countries about what they should do in respect of climate change—let alone to prescribe how they should go about doing it—would be grossly impertinent and probably utterly counterproductive.

A worrying tendency is emerging in the public debate on this topic—I do not accuse the right hon. Member for West Dorset in this respect, as he showed no signs of it today—to take all these matters for granted. I therefore remind the House that Montreal will be the first meeting of the parties that have ratified the Kyoto protocol, which came into force only in February of this year. That alone makes it a truly historic event. The most important and urgent business at Montreal will be to reach agreement on the final legal underpinnings of the protocol—something that could not be done until it came into force. Moreover, that process of achieving agreement to those legal underpinnings is not without difficulty, controversy and disagreement.

By all means let us lift our eyes from time to time to the peaks and pinnacles that further global agreement might, in time, make attainable. I give further reassurance to the right hon. Member for West Dorset that the Government pledged in our election manifesto to pursue such an agreement, but we must not fail to observe and tackle the icefields and crevasses that yawn at our feet, and which stand between us and such an outcome.

Mr. Chaytor: On the question of the ice fields and crevasses and looking forward beyond 2012, is my right hon. Friend attracted to the concept of contraction and convergence as a means of bringing on board China, India, Brazil and other powerful developing countries? Does she believe that the basis of equal per capita rights to emit carbon should form the basis of any agreement beyond 2012?

Margaret Beckett: If I may, I will come to my hon. Friend's question in a moment. First, I want to advise, if I may, him and the House to ignore anyone who says that the Montreal meeting will be easy. It will not. They must treat with polite scepticism anyone who says that all this is simple. It is not. The only people who think that they already have all the answers—I know there are some—are, frankly, those who have not understood the question.

My hon. Friend the Member for Bury, North (Mr. Chaytor) asked me a slightly different and specific point. I can see the attractions of the idea of contraction and convergence, but it is only one of a plethora of ideas that are already in discussion. I cannot tell whether, when we finally come to whatever agreement around which might coalesce some international acceptance and understanding, some of the elements that have stimulated the proposal for contraction and convergence might be reflected. That is entirely possible but at this moment, there is as much opposition as there is support among those who would have to agree on that proposal.

I do not say this pejoratively, but contraction and convergence is the fashionable option. It has obvious and evident attractions, but it is not the only idea around and there are many people who have great reservations. No one at all will sign up to it until they have thought carefully about the implications, not only for their own economies but for the economies of others. With genuine respect, I remind my hon. Friend and the House that the most loaded word in the English language is "fair".

Malcolm Bruce (Gordon) (LD): The Secretary of State will recall that the globe forum that she opened before the Gleneagles summit focused on exactly that issue and that Senator McCain, a champion of climate change within the United States, nevertheless clashed with the Chinese representative, saying that he did not think that America should give up one ounce of emissions unless China did the same. Contraction and convergence is not the answer but we have to break the deadlock. Does she think that progress can be made in the near future?

Margaret Beckett: It is certainly within the capacity of the international community to begin to make progress, but it will be difficult and delicate and will require tremendous respect for the genuine concerns of all the players, not just the major ones, and a genuine recognition of the different circumstances.

The UK Government have three criteria for the possibility of an agreement. One is that it should be robust and be able to be adjusted and so on, but one of the key criteria is that the agreement should be capable of reflecting the very different national circumstances of different players. That is why I did not answer the perfectly fair and legitimate question put to me by the right hon. Member for West Dorset about whether we expected to negotiate a future Kyoto that is, in a sense—some people are talking about this as the only option—exactly like the existing Kyoto agreement but bigger. We are a long way from concluding that that is either the only or even the best way to go, for some of the reasons that I hope I have begun to identify—reasons that the hon. Member for Gordon (Malcolm Bruce) recognises from the international dialogue. It is not as simple as saying we should have a bigger number or give everybody else targets along the same lines. We have to think carefully about what will work, what will be effective and what will be genuinely acceptable as well as effective.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Does the Secretary of State think that a global agreement will be in place by 2012 to replace Kyoto?

Margaret Beckett: If it is not, we will be in deep trouble. As I said in all seriousness a moment ago, less than a year ago it was not possible to get more than a handful of countries to sign up even to the notion of talking about the future. We have come a long way in the past year and it is not sycophantic but accurate to say that my right hon. Friend the Prime Minister and the Government have played a huge role in creating the extra momentum. Indeed, that is very much recognised outside this country. We will have a better idea of progress after the first meeting of the Gleneagles dialogue, when we will begin to see the scope for practical partnerships to begin to deliver action on the issues and whether that is shaping people's approach.

One reason why I hope today's debate will lead to a more mature and sensible dialogue in the UK, which will focus on the real hard choices we need to make and how to convince the country that we need to make them, is that it is not only world leaders who need to face up to the challenges as well as the opportunities of climate change. We the people need to help support and facilitate that process.

In the slightly different context of the campaign to make poverty history, Bob Geldof made a comment that also applies to the campaign against climate change. He was asked to name and shame the people who were not prepared to do enough to tackle global poverty. His answer was:

"It is all of us. The shame is ours, the name is the world."

That is not a bad thought on which to end.

5.17 pm

Norman Baker (Lewes) (LD): I welcome the tone of the debate. The right hon. Member for West Dorset (Mr. Letwin) introduced it in a consensual and constructive way, and the Secretary of State responded in mostly the same tone. I shall say honestly and straightforwardly at the beginning of my contribution that I am here today because I regard climate change as the most important and challenging issue facing us.

I do not think that normal politics, as we have had it so far, is delivering the answers. I do not underestimate the difficulties, but I am not here to make party points. I am here because we need some agreement on the way forward in the interests of all our countrymen and women and the world at large. That is the spirit in which I stand here today, and I ask the Secretary of State to accept that. It is also why I have written to her and to the right hon. Member for West Dorset, and why my right hon. Friend the Member for Ross, Skye and Lochaber (Mr. Kennedy) wrote to the Prime Minister and the Leader of the Opposition before the election.

It would be easy, if we wanted to do so, to pick out something wrong with the Conservatives' policy, something that a Liberal Democrat council has done, or some target that the Government have failed to meet. I am not interested in doing that today. We must find

[Norman Baker]

not the differences between us, but the common ground. We must find a constructive way forward that helps to reduce carbon emissions in this country. It is my judgment, and—I believe—that of the right hon. Member for West Dorset, that a consensual approach would help the Government to take the decisions that they may want to take but fear to take because of public reaction.

Ms Celia Barlow (Hove) (Lab): I appreciate what the hon. Gentleman says about reducing carbon emissions, and that is very encouraging. However, can he explain why the Liberal Democrat manifesto in May contained nothing about reducing emissions by 20 per cent., which the Government have pledged to do within five years?

Norman Baker: I assure the hon. Lady that Lib Dem policy is a 60 per cent. cut by 2050—a target that is equal to or better than Labour's. However, I am not here to trade issues about whose manifesto had better targets and I ask the hon. Lady and her colleagues to accept that. Let us try to find a new way forward.

We are at the beginning of a Parliament. We have an opportunity over four years to try to do something constructive, to rise above our normal exchanges and collectively, among all parties, to find some way in this new era of politics, as I hope it will be, to achieve a consensus to bring about real cuts in emissions. That should be our objective.

Things are becoming serious. I will not regale the House with all the science, but Members will have seen information produced by the Tyndale centre over the summer. Eight per cent. of the Arctic ice cap is disappearing every decade and there will soon be no ice at all at the North Pole. The ice sheet is thinning in Antarctica. Snow is disappearing on Kilimanjaro. The evidence is there for all to see. The ice is going so quickly that we can see it disappearing before our very eyes. We have to do something about it.

Scientists in every country of the world are saying not only that climate change is a reality—that is now accepted—but that their predictions about climate change were an underestimate. The situation is worse than they thought and things are getting worse faster than they thought. That is the reality.

It was depressing to listen to Prime Minister's questions today, because not one MP or party leader mentioned the environment or climate change. That is the elephant in the room and we have to grasp it—if we can grasp an elephant. We have to address the issue. We cannot go on pretending that it is not there. We must do something different.

I am not making party points about the UK position. The Government have introduced strategies to try to deal with climate change and have, in many senses, given leadership, but we are missing our targets for carbon emissions, which have gone up over the past three years. There are problems with aviation to which no one has found a solution. The evidence is that if aviation emissions continue at their present rate the increase will wipe out all the gains that would have been made if the Government's other targets had been met. That is how serious the problem is. These are really big issues and no solutions are forthcoming, because they are politically difficult. We must make it politically easier to take the right decisions. If the three parties can reach consensus we have more chance of convincing the public—to pick up a point made by Conservative Members earlier—of the need to take action, and we shall take the public with us.

Margaret Beckett: I remind the hon. Gentleman that in fact we have proposals for tackling aviation. We believe that we should try to integrate aviation in the EU emissions trading scheme. Only a few days ago, the Commission published a communication that suggests that it too thinks that is the way forward. The approach of the Environment Council is not wholly clear, but if we can make a start on such proposals in the EU it could have a huge impact.

Norman Baker: I agree that that is one of the ways forward. The Secretary of State will know that the objective of including aviation in emissions trading is shared by all three parties—an example of consensus.

Dr. Ian Gibson (Norwich, North) (Lab): Does the hon. Gentleman agree that this great accord that we are trying to achieve might be destroyed by our attitudes to nuclear power alone?

Norman Baker: No, because it is unrealistic to expect that as a consequence of discussing such matters and trying to find a common base all three parties will produce identical policies. That is impossible and it would be pointless to try to achieve it. However, we can reach agreement on some essentials; for example, on the science, on the 60 per cent. cut in carbon emissions, on aviation and the emissions trading scheme and on more money for energy efficiency. There are many things on which we can agree. I want a solid foundation to be laid and for us to communicate that to the public. We could even build a couple of storeys on that foundation and each of the three parties could build their own different structures on those storeys. Some will include nuclear power; others will include something else. It does not matter. What matters is that we stress our common agreement rather than always picking on differences and reducing the debate to saying, "You're wrong about nuclear power or you're right about something else." That is not productive. Let us try to find out what we have in common.

It might be appropriate to quote Churchill, given that he served as a Liberal MP and as a Conservative MP. He said, of a different matter:

> "The era of procrastination ... of soothing and baffling expedience, of delays, is coming to its close. In its place, we are entering a period of consequences."—[*Official Report*, 12 November 1936; Vol. 317, c. 1117.]

That is where we are now with climate change, which is the driver that needs to bring us together. Normal national politics has not delivered. We in our own parties have attempted to grasp the solution, but no one has delivered the cuts in emissions and the approach that is necessary given the threat that we face. So let us, as political parties, find what we have in common, rather than the differences. I welcome the fact that, in response to my letter, the Conservative spokesman, the right hon. Member for West Dorset, has said, "Yes, let's try to do

that", because doing so is not easy. It would be much easier to find differences and to go on about congestion charges in Edinburgh and so on. Such things are easy to find, but that is not constructive, and the public would not thank us for doing so.

I stress that, as far as I am concerned—I think that I speak for the right hon. Member for West Dorset as well—the motion is not about attacking the Government. We are interested not in doing that, but in doing something constructive. We want the Secretary of State on board because she has expertise and any arrangement must eventually have the Government on board if it is to carry weight with the public. If all three parties worked together and agreed in some shape or form, it would help to communicate the message to the public and it would be easier to take the difficult decisions that are necessary. Such decisions are sometimes necessary for the long term, but they may also have short-term political consequences. I do not pretend that all the differences will disappear, that everything will be sweetness and light and that there will be no difficulties about certain issues—of course, there will—but let us try to go some way along that road.

Mr. Goodwill: The fact remains, however, that 25 per cent. of our energy is produced using nuclear power and that, by 2020, only Sizewell B will not have been decommissioned. How can we have a cohesive energy production policy within the line of Kyoto if we do not replace that nuclear capacity? Although I am pleased that the Government are objectively considering new nuclear build, the Liberal Democrats seem to have ruled that out, despite the facts.

Norman Baker: The hon. Gentleman says, "despite the facts". In fact, we have ruled that out, but for what we believe are very good reasons. However, rather than concentrate on the differences, let us analyse what we agree with in the energy mix. We agree with quite a lot of it, so let us try to make progress on that.

Mr. David Chaytor (Bury, North) (Lab): Before we move on, let us set the record straight. The nuclear contribution to British energy is not 25 per cent.; it is slightly more than 20 per cent. of electricity production.

Norman Baker: I am grateful to the hon. Gentleman for that clarification, which is now on the record.

Let me turn to the reply that I received from the Secretary of State. I am grateful to her for the fact that her letter arrived yesterday. She said that she would

"welcome a cross-party consensus on climate change."

She used those words this afternoon. I wrote them down in shorthand, so I have got them accurately recorded. I welcome the fact that she said that. She may be rather sceptical this afternoon—fair enough. It is up to us to prove that we are serious about this business, and I hope that she will respond accordingly.

The Secretary of State's letter includes a number of reasons why she was not prepared to join us at this juncture. In one paragraph, she refers to uncertainties in the two Opposition parties: first, the Conservative leadership election; secondly, that party's position on a number of key issues; and, thirdly, the Liberal Democrats' policy review. As for the latter two reasons, I reiterate that we should seek out the many areas of agreement, rather than trying to identify one or two issues that she would use as a veto on any agreement. We do not need to have everything agreed. So, with respect, I do not think that those are very good reasons. As for the Conservative leadership campaign, I sincerely hope that the right hon. Member for West Dorset will still be in his position after that process has concluded. That would be good for continuity's sake.

The Secretary of State's letter also refers to the position of India and China, and I know that she takes that seriously. We have exchanged views on this before and I recognise and accept how sensitive the issue is. I recognise absolutely that we cannot start to dictate what those countries should have. I spent some time over the summer in India meeting Indian politicians and business leaders on the very issue of climate change. I came away with a strong view of how they feel. Of course, the issue is to guide all the different ships into harbour, and that is not necessarily easy to do.

The Indian politicians whom I met said that they were potentially very responsive to what the EU was doing. They recognised that we in Europe were giving a lead, and they were also quite happy with the idea of contraction and convergence, which they regard as a fair and equitable way forward. I am sure that the Secretary of State has heard the same response. However, they were vociferous—that is a fair word to use—about the attitude of the American Administration. The Indians take the view that they do not see why they should make sacrifices when the American Administration are not doing the same. That seems to be a perfectly fair position to take.

I want to digress slightly to pick up what the Secretary of State said about the Prime Minister. I, for one, am perfectly happy to accept that he has been going out of his way to deal with the issue internationally. I am happy to accept that he has got this on the agenda and that he has made some progress. Nothing gives me greater pleasure than to say that. I wish he could make even more progress.

I made the point, however, in the last Liberal Democrat Opposition day debate before the election that I am genuinely worried. The Prime Minister is playing a difficult game diplomatically to try to get everyone corralled in one place and then get them going in the same direction at the same time. I do not underestimate the difficulties of that. On the one hand, he has countries such as India and China and, on the other, he has the United States, which takes an unhelpful view. My genuine fear is that, to try to bring the US Administration on board, he will be prepared to sacrifice the idea of mandatory targets in some shape or form to make sure that they can sign a piece of paper. I understand why he would want to do that, but it would not be a satisfactory outcome.

Margaret Beckett: I understand the anxiety that the hon. Gentleman voices, and considerable anxiety was expressed in the run-up to the Gleneagles summit by, for example, campaigners in America. In the summit's aftermath, they greatly welcomed the fact that the Prime Minister had not taken the path that the hon. Gentleman had identified as the one that had concerned him and those campaigners. The Prime Minister had, indeed, maintained his push for the kind of forward look

[Margaret Beckett]

that everyone wants. However, I caution the hon. Gentleman against the assumption that mandatory targets for everybody are necessarily the only way forward. We are nowhere near that conclusion yet.

Norman Baker: I accept that we are nowhere near that conclusion, but I remain to be convinced that it is not the right mechanism. There are mandatory targets for countries that signed up to Kyoto, very few of which are meeting them. I fear what the effect will be if there are no mandatory targets at all.

Margaret Beckett: I do not want to nit-pick, but there are mandatory targets for the developed countries that signed up to Kyoto. A great many countries signed the Kyoto protocol, under which there are not mandatory targets. If the hon. Gentleman has had discussions in India, he will know that the notion of such targets is extraordinarily sensitive.

Norman Baker: I accept that. Such targets are sensitive, not least because of the US position. The point that I was trying to make is that, even where there are mandatory targets for the developed countries, including this country and those in the EU, very few countries will meet them. If mandatory targets cannot even bring the ship into harbour, it is not clear what other mechanism will achieve that end. However, I am willing to be convinced and to see what comes out of negotiations. Like the Secretary of State, I am looking for results that end up with significant carbon cuts across the world in an attempt to stave off a growing crisis. That is our common objective.

I have referred to the Secretary of State's letter in which she mentioned the Conservative leadership election, Liberal Democrat policy and Conservative positions on the issue. The reasons she gives for not entering into an agreement at this point are not dissimilar to those advanced by the "Today" programme for not covering the item this morning. I sometimes wonder whether the "Today" programme is entirely independent of the Government, but that might be unduly cynical of me. Be that as it may, I am glad that the initiative that we have launched has received coverage beyond the "Today" programme.

Mr. Hurd: The hon. Gentleman has called for a cross-party approach and he and many others have talked about the need to engage the public to galvanise the political process. Does his party's approach on engaging the public continue to be sending strong signals through tax policy—taxing 4x4s and flights—or does he agree with our approach that people's hearts and minds need to be won first, not least by educating consumers about the consequences of their choices?

Norman Baker: There is a range of ways in which the public need to be brought on board, so I shall try to cover that wide topic briefly. Education of course has a role. Schools have a role and the public sector can lead by example through its public procurement, such as by fitting photovoltaic cells on school roofs. I would like the Government to produce leaflets to put through doors to educate the public, in the same way as they do with concerns about terrorism. However, market mechanisms can also play a significant role, so I hope that the hon. Gentleman and his Conservative colleagues agree that if we made it cheaper to do the right thing and more expensive to do the wrong thing even members of the public who had not bought the science would nevertheless respond in a way that would generate the right result. By the way, that would not involve increasing taxation. My party has suggested creating a section of the Treasury that is designed to examine exactly how taxation influences environmental behaviour, with a view to reorganising such taxation to ensure that it is revenue neutral and achieves such ends.

A third way in which the public can be educated is through not what we can do, but what the media can do. The media do not always approach the matter as they should—I have made that point before and do not hesitate to make it again. They either do not cover the subject at all, or cover it in a way that does not make connections. The increased risk of floods has been widely reported in the past 24 hours, but none of the news media has made much of a connection between that and climate change. Alternatively, the media report climate change as a straight science story with two pages on how the polar ice caps are disappearing, but without any indication of what politicians of any party should do about that. The media thus have a role in educating the public.

We are at the beginning of a new Parliament, so we have an opportunity to do something new. The right hon. Member for West Dorset and I are genuinely trying to reach out in some sort of fog as best we can to find a way forward that will provide a different sort of politics to deal with this most significant of issues. We are making a genuine attempt and, as politicians, we owe it to the public to do that. A policy of business as usual will not deliver action on the environment to tackle climate change effectively. We are convinced that our approach is the way forward and we genuinely want the Government to join us.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I remind hon. Members that Mr. Speaker has placed a 10-minute limit on Back-Bench speeches, which comes into operation now. However, I calculate that we have about 62 minutes until the winding-up speeches must start. Eight hon. Members are seeking to catch my eye, so, if they are feeling charitable, I shall leave the maths to them.

5.38 pm

Mr. Eric Martlew (Carlisle) (Lab): I shall bear your comments in mind, Mr. Deputy Speaker.

Given the consensus in the Chamber and the view that we need a new political approach, perhaps the right hon. Member for West Dorset (Mr. Letwin) will withdraw his motion so that we will not need a vote. That would put the Government on the back foot and would certainly be new politics.

It is well known that I do not make great visionary speeches in the Chamber and talking about the problems of 2050 is something that tends to be lost on my constituents. I wish to speak about my experience of

what I believe to be climate change. Those hon. Members who can remember past the general election know that Carlisle experienced horrendous flooding on 8 January. About 3,000 houses were flooded and two elderly constituents died a dreadful death by drowning in their homes. Some £500 million of damage was caused. Jobs were lost. It was a staggering blow.

The Government responded well. My hon. Friend the Minister for Climate Change and the Environment, who is responsible for dealing with floods, came to the constituency before it had stopped raining and £30 million was made available for flood defences. Six Ministers, four of them Secretaries of State, visited us. We dealt with the flood well. We also received an extra £30 million for our schools.

We thought that it was a flood that took place once every 150 years. It had happened and we could put it behind us. The Deputy Prime Minister came to the city and said that it should have a renaissance. We were to have a new fire station, new police station, new commercial centre and new civic centre, because they were all flooded. We were looking forward to that, but yesterday the rain started again. The storm clouds came over Carlisle, settled over Cumbria and we had 4 in of rain.

Those facts do not bear any resemblance to what really happens to people when they are flooded. I arrived home from London and someone said, "Do you want a boat trip round your house?" After the flooding went away, we went into the houses, took our personal possessions, which we had had for many years, and threw them into a big skip. But that was just the start. The builders then came in. They tore the house to pieces, ripped up floorboards and took down the walls. Massive heaters were put in the house to dry it out before it could be reconstructed. It was horrendous. Some 66 per cent. of the people flooded in my constituency in January are still not back in their homes. That is the reality of a massive flood—and of global warming.

It is global warming because the same thing has happened again. Fortunately, when I came to the Chamber, the rain had stopped, but last night my constituents lived in fear. I am not exaggerating—I am not prone to exaggeration—but they would not have slept. I was in London and I did not sleep. The curtains would have been open and they would have gone to the window every half hour to check whether it was still raining. The local bus company moved its £3 million-worth of new buses out of the area. I talked to senior managers at United Utilities today who said that the climate has changed and Carlisle is no worse than many other areas. My tale could well be repeated in other constituencies if we do not do something about the problem.

As I said, I am not a great visionary, but a practical politician. Some things we can do quickly. Although tackling emissions will take great debate by statesmen and wise counsel, we have to be ready for more floods. There is a commitment to provide flood defences, but they will not be up for a while. However, yesterday's problem was not with the rivers. The Environment Agency is in charge of those and they did not flood. The problem lay with the run-off of surface water, the drains and the sewers.

The practical difficulty is that the county council and the city council have different responsibilities for the different gullies. They argue about who should clean what and not enough are cleaned. The city council is responsible for the drains and United Utilities, the privatised utility supplier—privatisation does not help in this situation—is responsible for the sewers.

We therefore lack the necessary co-ordination to deal with the practical difficulties. If we do not get that right—I know that the Secretary of State is listening—we will fail to deal with future floods. Anyone representing a constituency with a flood risk should look at the reports about what happened in Carlisle, because they provide a blueprint for the way in which the Government should react as well as a warning about what can happen.

I sometimes think that our priorities are wrong. Many environmentalists in the Chamber have been in the vanguard, and have pushed for action on climate change. My hon. Friend the Member for Nottingham, South (Alan Simpson) raised the issue of sewerage and flash floods, as did my hon. Friend the Member for Newcastle upon Tyne, North (Mr. Henderson). United Utilities said that we must spend £3.5 billion in the next five years to improve environmental water quality in the north-west, but we have only £100 million to spend on improvements to the sewerage system. I live in the centre of Carlisle and when I look out of my windows I can see otters and kingfishers, which is tremendous. It may be necessary, however to reduce the £3.5 billion that we spend on water quality and put more money into improving the sewerage system. We need to reconstruct the drainage and the sewerage systems in most of our cities, as they were built at a time when people did not experience flash floods or intense rainfall. Another option is to increase costs to pay for those improvements, because United Utilities and the other privatised utilities will always seek a profit.

I hope that people will treat my warning seriously. We can introduce practical measures quickly, but we must resolve the underlying problems. Wind power has been mentioned. In my constituency, a local company, Pirelli, has received planning permission for a large wind turbine that will cut its costs by about £750,000 a year. I think that that was the right decision. Having had nuclear power in Cumbria for many years, I believe that we should keep an open mind about it. Environmentalists who say that we should have nothing to do with it are probably wrong, and might think differently if they shared my experiences. The Liberal Democrats cannot claim to build a consensus while ruling out nuclear power. That is simply not feasible.

I hope that I have warned the House about the practical problems of climate change. The right hon. Member for West Dorset would give a true sign of consensus if he withdrew the motion.

5.48 pm

Mr. Peter Ainsworth (East Surrey) (Con): I congratulate my right hon. Friend the Member for West Dorset (Mr. Letwin) on tabling the motion and enabling the House to debate this important issue and the hon. Member for Lewes (Norman Baker) on his cross-party initiative. This is clearly an issue that transcends party politics and I welcome the joint approach of the Opposition parties, which, I hope, will be embraced by the Government in due course.

[Mr. Peter Ainsworth]

It is a pleasure to follow the hon. Member for Carlisle (Mr. Martlew), who spoke eloquently about the local nature of climate change. When it comes home in that way, people really experience its effects, but it is a huge global issue. Every time that we discuss climate change in the House, the problem has become worse. Hurricane Katrina may or may not have been caused by climate change, but it gave us a preview of life after extreme climate change, including the collapse of social order, the loss of life and the destruction of property, all of which the scientists have warned us about.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): Does the hon. Gentleman agree that Hurricane Katrina reminds us that, particularly in developing countries, it is often the poorest who are most immediately at risk because of climate change and face more horrendous consequences than us?

Mr. Ainsworth: The hon. Gentleman is right. Last year, a bunch of NGOs produced an extremely good report called, "Up in Smoke", which forcefully made that point.

The hon. Member for Lewes touched on the disappearing Artic ice cap, which is disastrous for indigenous species and for people who live there. The situation is worse than that, because the disappearing ice desalinates the north Atlantic, which could switch off the gulf stream. If we want to live in a climate like that of Labrador, that is the way to do it. The disappearing Arctic ice cap also reduces the Earth's ability to reflect light back to the sun, which creates a vicious circle whereby the ocean warms up, the capacity to absorb CO_2 is reduced, more ice is lost and the ocean warms up again. If the cycle continues until 2060, there is likely to be no ice at all.

Yesterday's UN report stated that, as a result of climate change, some 50 million people may need to seek refuge elsewhere because they will be driven from their existing homes and livelihoods by deforestation and extreme flooding. It recommends creating a new status of "environmental refugee". Is the developed world ready for 50 million environmental refugees? I think not.

The situation is bad and it is in danger of getting a great deal worse. Climate change is unlike any other economic or political problem. It concerns irreversible changes to the planet that is our common home and requires a different kind of politics and a different kind of economics. That is not the least reason why I am so pleased that my right hon. Friend the Member for West Dorset and the hon. Member for Lewes have launched their initiative, which is a step in the right direction.

Somebody once said, "It may not be cost-effective to save the planet, but it is probably worth trying to do anyway." That leads me to one simple observation, which is blindingly obvious but consistently overlooked by politicians and economists alike: the economy is part of the environment, not the other way round. The economy is subsidiary to the environment and until that plain truth enters the mindset of economists, industrialists and politicians, we will never attain the necessary will, determination and courage to save future generations from the consequences of our irresponsible behaviour. The challenge is massive and time is short, but the problem can be solved because the tools are there.

We clearly need international agreements and structures, which is why the Kyoto protocol is so important. By itself, the Kyoto protocol will make only a minimal impression, but it proves that the world can more and less come together and achieve agreement on what needs to be done. It is therefore an important milestone in making progress on climate change. It is essential that work continue on developing an effective post-Kyoto international agreement and I was somewhat comforted by the Secretary of State's remarks on that point. The Prime Minister may become dispirited in his negotiations with George Bush, but he should not allow himself to be downhearted and should push on with that important work.

It is vital to include China and India in international negotiations and future agreements. China opens a new, large coal-fired power station every five days and plans to build a further 600 power stations in the next 25 years, a period in which India wants to build about 200 and the rest of the world a further 600. If all those coal-fired power stations are built with conventional coal technology, we might as well give up our weekly trip to the recycling bin and forget about energy-efficient light bulbs. The plain truth is that the United Kingdom is responsible for only 2 per cent. of global climate change emissions. In that context, the ongoing debate about whether nuclear should be part of our energy needs seems peripheral.

The need for international agreement to drive down CO_2 emissions is fundamental. The technologies already exist to sequester and store emissions and to convert coal to gas—we just need to make sure that they are deployed. Of course there is more that we could do nationally, at home, to play our part in meeting this great challenge and to give a lead. The fact that CO_2 emissions have risen in the UK in recent years is not only an embarrassment but a serious problem.

I regret that the Government's new climate change programme has been delayed, but we must hope that, when it emerges, it will be radical and specific. I should like to see a far more imaginative use of fiscal measures to encourage the take-up of new technologies in transport, energy efficiency and renewable sources of energy. On 11 November, two important private Members' Bills will be a test of the Government's commitment to sustainable energy. I hope that hon. Members will make a note of that date in their diaries.

We need an effective education programme, including formal education, but we must do more than just preach—we need to give people incentives to do the right thing, and to reward good behaviour and discourage bad behaviour. That is all part of environmental education.

We need sensible, clear and targeted regulation. Most industries in this country, as well as the CBI—at least, it says so—now accept the need for environmental regulation, but they need to know what the Government are asking them to do, and at the moment they are making noises that suggest that they do not. Only when the Government set out a clear vision of what they expect from industry and set regulations accordingly will the investment flow. The financial sector needs to

have that kind of certainty too. It is not enough just to say that technology will solve all our problems. Of course technology has a vital role to play, but for technology to develop we need investment, and for investment we need national and international systems of reward and punishment.

We should recognise that, since climate change is a public good, there is a need for Government to back their fine words with more and better targeted support in areas such as research and development. Of course, there will always be concerns about costs, but as the Association of British Insurers—that newly converted band of eco-warriors—is so keen to remind us, the cost of doing nothing will lead to massively greater costs in years to come. Hundreds of billions of pounds are at risk if action is not taken now.

Learning to live within environmental limits, reconciling today's economic aspirations with the forces of nature, harnessing new technology for the sake of our children and their children and forging international consensus: these are the greatest challenges facing our generation of politicians. We must not fail.

5.58 pm

Alan Simpson (Nottingham, South) (Lab): I wish that the Opposition had chosen a title for the debate that basically said, "Look, we're all in a terrible mess, and we haven't a clue how we got into it and how we get out of it, but we'd welcome a cross-party approach to the discussion." Instead, there is an unambiguous side-swipe in the wording of the motion that pulls the rug from under many of the good comments that were made by the right hon. Member for West Dorset (Mr. Letwin). We have to be more forthright in what we say to ourselves about our starting point.

I was saddened to hear the right hon. Gentleman say that we should not attribute every one of the natural disasters that are happening around us to climate change. If he had listened to the advice that Professor Sir Dave King gave the Select Committee on Environment, Food and Rural Affairs only a year ago, he would realise that Professor King said that we are currently in the middle of a revolution of small changes. Climate change is not a future scenario; we are in it now. We must consider urgently what we do about short-term, traumatic upheavals in what we used to perceive as our seasons and our climate. Those changes can result in flash flooding and drought in the same month, and we have never been politically or constitutionally prepared for this. We are experiencing the consequences today of climate change, which, I fear, will become worse by the year for the rest of our lives. We must tackle that.

We also know from our scientists that the challenge that we face for the first 50 years of the century is reducing our ecological footprint on the planet by two thirds. That is a non-negotiable point for them about our contribution to the planet's survival. Today, the United Nations said that, by the end of the decade, there will be 50 million environmental refugees as a result of climate change. We need a new heading under which we acknowledge the displacement of people as a result of a set of economic assumptions—largely, the framework of economic thinking that prevailed in the second half of the 20th century—that have driven us to our current position. We all face that crisis.

I believe that the crisis will be worse than Parliament has been willing to acknowledge so far. That will become apparent persistently in the next 10 years through crises in food security, water management and energy security. I want to make several propositions on a cross-party basis and I hope that my comments are deemed to be either equally offensive or encouraging to Members of all parties. However, they need to be made in a debate that should have space for a few heretics.

Globalisation makes the crisis worse. The global dash for cash has resulted in a helter-skelter economy, where goods move huge distances in ever greater pursuit of lower costs and lower environmental responsibilities. That simply accelerates the crisis. We will be forced to address that, whether we like it or not.

Norman Baker: Does the hon. Gentleman accept that that could be tackled, first, if World Trade Organisation rules were altered to take account of the environment and secondly, if the proper environmental costs of transport were incorporated?

Alan Simpson: Yes, it could be done if the WTO became a world sustainable environment organisation but I see no prospect of that. The tragedy is that global institutions are intellectually out to lunch. They are hostages to corporate greed and those who write the history of our time will probably describe it as an era of economic cannibalism in which society set about trying to consume itself. The prospect of change driven by global institutions is remote.

Despite all that, the Labour Government have made some landmark decisions nationally. Sadly, they have often been undermined or compromised by economic short-termism. It is worth putting on record that only a Labour Government made the commitment in law to eradicate all fuel poverty in Britain by 2016. DEFRA has consistently tried to push that programme despite the fact that its budget has been cut and that it has been undermined by contradictory decisions by other Departments. For example, the decision to build a range of £60,000 houses that will be exempt from thermal insulation standards is nonsense. We might have avoided that if it had been up to DEFRA rather than the Office of the Deputy Prime Minister.

Sadly, at the same time as making a terrific set of commitments on fuel poverty, Parliament has promoted a growth in aviation, the carbon consequences of which wipe out all other gains. We also have economic policies that actively promote a huge growth in global product miles, without making any attempt to consider the carbon content of those product miles or the environmental impact on areas in the south that are pushed into supplying for the north long before they can feed themselves.

In this current Parliament, two laudable private Members' Bills on sustainable energy and on micro-generation might well be spiked or talked out—sadly, I fear, by opposition from those on my own Benches—because while their ideas are desirable, the resources involved are uncertain. So those Bills might well not reach the statute book.

Against that background, we must engage, with urgency and excitement, with the changes that need to be made. Many of those changes are already happening,

[Alan Simpson]

some outside Parliament and outside this country. I have spoken on other occasions about the work that is being carried out internationally on food security. Over the past 10 years or more, there have been phenomenal achievements, particularly by the European Slow Food movement, on internationalising the case for reinvesting in local and sustainable food systems, strengthening food accountability, shortening food miles, reducing the congestion and pollution that result from the long-distance trans-shipment of goods, and reconnecting with the sustainability of the land itself.

Having registered that point, I want to focus on energy and housing. I have been doing quite a lot to address the questions of how we can recycle water and generate energy for ourselves in our own living situations. However, the more work that I have done on this, the more I have discovered that other people are already way ahead of me. In Berlin, for instance, 75 per cent. of all new buildings have solar panels built into their design. Toronto is dealing with the problems of summer heat by removing the air conditioning systems from buildings and replacing them with water cooling systems using water drawn from Lake Ontario. There are some fantastically imaginative schemes building renewable and sustainable energy systems into the way in which people think about how they live.

This country has two grounds for claiming to be a global leader. One—perversely for me, as a northerner—is to be found in Woking. Over the past 13 years, Woking has moved quietly towards being energy self-sufficient. It now produces 135 per cent. of its own energy needs, entirely—I think—from sustainable and renewable sources. Within the next couple of years, it is going out of the national grid because it found that every £1 worth of energy that it was putting into the grid was costing £7 to £10 to claim back out. To understand why that was happening, we have only to look at the national system of energy production. There we discover that 70 per cent. of the energy inputs into our energy industry go up in smoke. If we look at any power station, we can see this happening. The national grid transmission system leaks like a sieve. That is not the model that we need for the 21st century.

In Denmark, 40 per cent. of energy supply already comes from local energy systems, and in the Netherlands, the figure is 50 per cent. However, world leadership in this regard is to be found here in merry old London, where the Labour loyalist, Ken Livingstone, has pinched the borough engineer from Woking and appointed him as his new climate change adviser, and accepted the challenge to make London energy self-sufficient within a decade. Production will probably come from biodigesters or bioreactors, rather than incinerators, but it will not require a jot of nuclear power. Not one jot. That is because local energy systems can already cope with the energy gap that we fear. We could power this country on the energy that we throw away.

I want to finish by making four propositions. First, I modestly proposed an Energy Markets Bill in the last Session, and I urge the Government to accept its provisions. Secondly, we should consider imposing a carbon miles quota on all airports. Thirdly, we should follow London's example in promoting local energy networks and support its global cities initiative. Fourthly, we should make building constructors and developers responsible for 50 per cent. of the energy of the buildings that they throw up. I proposed that to a conference of the building supply industry a week ago, and everyone looked at me in horror. However, I pointed out that they were probably smart enough to realise that, if they put in their own energy systems, they could probably meet the whole supply, charge more, and earn more as a result.

6.10 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): It is a pleasure to follow the hon. Member for Nottingham, South (Alan Simpson), who showed where we can go with a bit of energy, imagination and political leadership in terms of driving forward the sustainable energy agenda. I enjoyed his speech.

I want to focus my remarks on the international effort and strategy on this global issue. The question seems to be: where do we invest the finite source of political energy available to tackle this most complex issue, riddled as it is with uncertainties? I detect a change in the wind. I detect it in the remarks of the Prime Minister, and in the initiatives taken by countries in Asia Pacific, Australia and America after the Gleneagles summit. This change reflects a growing realisation that we are on the wrong course—a course to failure.

The fruit of the past 15 years of political endeavour has been the Kyoto treaty. My hon. Friend the Member for East Surrey (Mr. Ainsworth) said that it is an important milestone, but the closer we look at it, the more limited it appears. It will make a marginal impact on carbon concentration, and its value lies only in demonstrating international co-operation. It was holed below the waterline by the absence of the United States and the emerging giants. It creates no serious incentives for new technology. In the process of negotiation and implementation, the political machine has failed to carry the public with it. Under those circumstances, in the short term, focusing the political machine on trying to follow up that agreement with a new universal agreement on a bigger scale but on the same premise for a greener set of absolute CO_2 reductions seems highly questionable. It looks very hard to achieve—I do not know what other colleagues felt, but the remarks of the Secretary of State left me with no confidence that an international agreement would be in place by 2012. Were we to pursue that course for another agreement to negotiate absolute CO_2 reductions, it would be of limited value. Those targets will necessarily be arbitrary, as there is still too much scientific uncertainty as to what a safe level of carbon concentration is, and if they are negotiated on the same basis as Kyoto 1, the targets would be effectively unenforceable.

Those who push for this course argue in the cause of taking out an insurance policy against catastrophic risk. It is an attractive theory, but ultimately, who buys an insurance policy that will not give certainty of covering the risk? That uncertainty is undermining the effectiveness of the political process. In terms of international strategy, I would prefer the political machine to focus on creating the conditions that will make universal agreement much more plausible. The priority must be to generate the momentum that has

been lacking over the past 15 years in making a difference to the scenario of emissions, which are growing. The requirement to reduce the uncertainty of the science and economics of climate change has been absent from this debate. A huge amount has been done in the past 15 years, but ultimately what comes through to the layman is how little we know. Greater certainty is therefore an absolute priority.

The second priority must be to accelerate the deployment and development of low-carbon technology. The good news is that the technology exists that can make a difference, but it is too expensive today. Not only is it right to focus political energy on making this technology cheaper, but it is clearly in the interests of many countries, particularly Britain. As we become an energy importer, energy security becomes increasingly important to this country. A superb and massive commercial opportunity also exists for those countries, and companies in those countries, who can see the potential in renewable technology. President Clinton's comments in the much-discussed summit in New York were bang-on the money: we will only make a difference when people smell a buck. Those conditions are not sufficiently in place at the moment. The acceleration of low-carbon technology is clearly a win-win for Britain and must be at the heart of any new international initiative.

Talking of win-wins, surely it is time for Governments across the world to start picking the low-hanging fruit of energy efficiency. It has been sitting on the branches for 20 years and every Government during that period have talked about it, yet none have delivered on it. The hon. Member for Nottingham, South mentioned the example of Woking's Conservative-led council becoming self-sufficient in energy. I encourage the Government to look at what is happening in Braintree, where another Conservative-led council has negotiated an agreement with British Gas, whereby it will offer council tax payers real money for taking on board an energy efficiency package. The early data suggest that the public are responding, and there are signs of a real breakthrough. Consumer apathy towards such a proposition is breaking down, and I hope that the Government will look closely at that example.

As my hon. Friend the Member for East Surrey pointed out, the short-term priority is the industrialisation of China, Brazil and India. The carbon intensity of that process must be minimised. Doing so is in our interests not least because of the need to deal with carbon concentrations and to reduce CO_2 emissions. However, there is also a superb commercial opportunity for those companies that can seize that initiative in all our interests.

European Governments in particular should seize the opportunity to develop the emissions trading mechanism by giving it serious teeth. In looking at the first round of negotiations, most commentators see all the mechanism's failings. It is diluted and weak, has no teeth, does not deal with aviation and operates within very restricted sectors. There is an opportunity in Europe to develop an emissions trading scheme with teeth that can be pointed to as a global template. That is where political energy should be focused.

Mark Lazarowicz: I am grateful to the hon. Gentleman for giving way during what is a very interesting and constructive speech. Does he agree that the European Union has a good record, in that it is among the leaders in trying to address climate change through specific, Europe-wide policies? Does he further agree that there is a lot of merit in the proposed mandatory Europe-wide renewable energy targets, which would encourage a Europe-wide growth of renewable energy?

Mr. Hurd: I thank the hon. Gentleman for that intervention and it is undoubtedly true that Europe's achievements in progressing environmental regulation are impressive. In fact, the linchpin for Europe in terms the challenge and the opportunity that it faces in redefining its relevance to the new generation—the generation who must pay for such things—is greater co-operation on environmental policy. I also agree with the hon. Gentleman's comment about the need for greater co-operation in developing renewable energy policy across Europe. I have mentioned the need to accelerate technology, and Governments can help in that regard by increasing the size of the markets available to those developing such technology.

On the question of where political energy should be focused in the short term, there is an urgent need for one country to stand up, to promote itself as a role model and to show that emissions can be significantly reduced at an acceptable cost. Britain had that opportunity, and I say "had" because I believe that it is in danger of losing it. We can argue in an utterly useless way about the motivation behind the "dash for gas", but the reality is that it created the platform for a developed economy that is capable of reducing emissions at a very low economic cost. My charge against the Government is that they are in danger of failing that test. That is why I support the proposition of my right hon. Friend the Member for West Dorset (Mr. Letwin) that at the heart of such failure is a lack of accountability and the distant nature of the targets. I therefore wholly endorse the introduction of an independent voice into this process, so that teeth can be given to such accountability.

Finally, I am conscious in focusing the political machine away from Kyoto 2 that it would be better if all such activity took place within the framework of a set of targets. The imperative here is for Governments to send long-term signals to the market, but we have to face the fact that pushing this global meeting towards agreement on absolute CO_2 reductions will be extremely hard. As an alternative to "contract and converge" and the various other scenarios that, in essence, still push the debate down that channel, I suggest that we investigate the feasibility and attractiveness of viewing carbon intensity as a proportion of GDP. That might be a more acceptable benchmark for the United States and the emerging giants. Many who are pressing for absolute CO_2 reductions will view that as a cop-out, but I would argue that the priority is to get some momentum behind the process of lowering the carbon intensity of economic development. In that context, focusing all our energy on pressing for absolute CO_2 reductions and for replications of Kyoto seem to me to carry huge opportunity costs.

6.20 pm

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I begin by declaring an interest, in the support that I have received from the sustainable energy

[Mark Lazarowicz]

partnership in connection with the promotion and development of the private Member's Bill to which hon. Members have already given favourable mention. I hope that they will support both my Bill and that of my hon. Friend the Member for Southampton, Test (Dr. Whitehead) on 11 November.

The hon. Member for South-West Bedfordshire (Andrew Selous) said that he had put climate change at the centre of his election address, but had received no positive response from the public. I also made climate change central, but had a more positive response from the public than he did. Over the last few months, I have become aware of the extent to which members of the public are concerned about the issue. Interest in it has clearly increased and been encouraged by events such as Hurricane Katrina. As politicians, we should recognise that the public are now demanding action from us. The notion that we are ahead of the public is no longer true. On the contrary, the public are overtaking many of us in their demand for action and their recognition of the need for action. That is why I welcome today's debate.

I agree with the attempts to build some sort of consensus on a way forward. I certainly recognise the sincerity of the right hon. Member for West Dorset (Mr. Letwin) in calling for such a consensus, but I would chide him mildly. As I am not always the most consensual of people, I should point out that he said roughly the same thing today as he did in the debate of four months ago. We are entitled to expect some more positive proposals when he next speaks on the issue, and I am sure that he will introduce some specific proposals then. Whatever the reasons for trying to develop a consensus, it is clear that we must do so because many of the necessary decisions will be difficult to take if the Government do not have broad support from within Parliament and among the public at large.

One of my fears is that it might be too easy to reach a consensus. Although it is wrong to suggest that every measure required to tackle climate change is necessarily difficult, it is equally the case that difficult choices must be made and we do not want to end up achieving a consensus at too low a level. As well as reaching consensus here, it is important to develop a movement outside Parliament.

Other hon. Members as well as me will welcome the Stop Climate Chaos coalition, which has brought together development, climate and environmental non-governmental organisations in a campaign to develop the sort of public pressure on climate change that was so effective in the run-up to the G8. The coalition is important because it allows the possibility of bringing international pressure on Governments across the world. If we saw such an international coalition developing, we might be surprised at what could be achieved at an international level. We should certainly set the highest possible targets for international agreement on action to tackle climate change.

I want to make three specific points about the sort of steps that we can take here and now in the UK in order to play our part both in bringing about an international response and in responding to public demand for action on these issues.

First, the immense programme of house building resulting from Government policy and market demand presents opportunities in the near future. I agree with my hon. Friend the Member for Nottingham, South (Alan Simpson) that we must use that programme to ensure that new properties have the highest standards of energy efficiency. We must also enable them to generate energy, rather than just consume it; otherwise, we will miss an opportunity to kick-start the market for renewable energy, and particularly for those micro-renewables that have such major potential to contribute to this country's energy mix.

I hope that we will take that opportunity, which may be unique. It makes sense to do so, regardless of what international agreements may be achieved. People who take advantage of these technologies can save money, as long as the market is grown and bulk demand secured. For people on low income in particular, it makes economic sense to have energy-efficient properties which, where possible, generate their own energy rather than just consume it.

Secondly, when the climate change programme review results are known, we must ensure that decisions are taken that set a long-term agenda. Industry and consumers need to have confidence that renewable opportunities both locally and nationally will find a response in Government policy. That must happen, whatever we feel about nuclear power.

There is a danger that the current debate could cause uncertainty about the prospects for renewable energy and energy conservation. It is a field with great potential, and we must make sure that clear targets are set for micro-generation, and for the use of renewables at the UK level more generally. In that way, the market and consumers can have confidence that renewable energy production will remain important in the future, and that its role will not diminish. The UK has immense potential when it comes to renewables: we have made a good start, but a lot more needs to be done.

My final point is relevant to the Government, to Back-Bench Members of all parties, and to the general public, and it is that we must be consistent. There is no point in having the best policies in the world to encourage renewables, energy conservation, recycling, and a more efficient use of energy by business and consumers if they are undermined by policies in other areas. My hon. Friend the Member for Nottingham, South spoke about aviation, and it is clear that the Government must reconsider their policy on airports. However, hon. Members of all parties, as well as local authorities around the country, are always calling for more airports, flights and air travel. That is not consistent with a policy that tries to address the problems of climate change.

There is a similar problem with road travel. Today, the call is for policies to tackle climate change and control carbon emissions. Yesterday, there was a call from some Conservative Members—although it could just as easily have come from hon. Members of other parties—for more roads to be built in their particular localities. We must accept that we cannot allow ourselves to be accused of double-talk: we cannot call for tough measures to tackle climate change and carbon emissions and at the same time promote policies in our own areas that offer short-term political advantage,

when in our heart of hearts we know that such policies will have an opposite effect on carbon emissions and climate change.

As politicians, it is our duty to act and speak consistently on this matter. I am not making a party-political point, but as I said at the start of my contribution, the public expect more of us now. They will not accept a failure on our part to follow through on our commitments on these issues. It is time for us to take practical action on specific policies and respond to growing public demand. I therefore hope that we can secure consensus on the need for appropriate policies, and on action as well.

6.30 pm

Mrs. Theresa Villiers (Chipping Barnet) (Con): I am delighted to follow some eloquent speakers whose knowledge and expertise so far outweigh my own. I am also delighted that the Opposition chose to debate this issue because, unlike some of the more pessimistic Members in the Chamber this evening, I can say that many of my constituents are highly concerned about the issue, which was raised with me during the election campaign by a number of people.

I am also delighted that the Opposition chose to debate climate change because, as we have heard, the environment is not an issue traditionally associated with the Conservative party. Regardless, for example, of whether the dash for gas had only a serendipitous effect on carbon emissions or whether it was deliberate, it has always been true that the Conservative party has been extremely effective at a local level in conserving the environment. Any campaign to preserve a local wood or green space tends to be packed with Conservative activists.

The environment is not and never should be the exclusive territory of the left, and a striking feature of today's debate is the call for all parties to make this a priority. Clearly we will have significant distinctions on the way we address the issue, most notably on nuclear energy, but one thing that must unite us is that we cannot go on like this; something has to change and we must work together to drive the issue up the political agenda.

I believe that Conservative and centre right parties have demonstrated that they have always had the knack for working with the grain of human nature and for achieving policy goals in a way that is in tune with how people think and live, rather than forcing top-down centralised plans on an unwilling public. We need that kind of inventiveness in this area as well.

In line with other speakers, I should like to see the Government subjected to more control, scrutiny and accountability on reducing carbon emissions. By contrast, I should like to see consumers given more incentives and encouragement to reduce carbon emissions.

At the heart of what the Opposition are arguing for this evening are institutional changes to deal with a key problem, in that effective measures to tackle climate change yield rewards only in the very long term, yet the pain caused by such changes and effective measures is immediate. The way the political system operates militates against effective action on climate change for precisely that reason.

My right hon. Friend the Member for West Dorset (Mr. Letwin) advocates the idea that, essentially, Government action on climate change that is effective should be recognised and rewarded and that Government failure on climate change should be exposed and punished, to build genuine accountability into the system. We have heard a number of ways in which this can be done, in particular the establishment of an independent body, which is crucial. I am surprised that so many Labour Members who spoke at length about the lack of progress and their concerns on climate change cannot support such an obviously positive goal.

Driving energy issues up the agenda in every single Department of State is also crucial. There is no point in having an environmental policy that comes solely from DEFRA; we have to strengthen the hand of the environmental departments so that environmental issues are covered right across the Government, particularly transport and industry. We must encourage consumers to take action, bring consumers with us in tackling climate change, and encourage consumers to reduce their carbon emissions, in particular by focusing on energy efficiency.

There is much more I would like to say but I am conscious that we are rapidly running out of time.

6.34 pm

Norman Lamb (North Norfolk) (LD): I thank the hon. Member for Chipping Barnet (Mrs. Villiers) for her generosity in allowing time for me to speak. I also pay genuine tribute to the truly worthwhile initiative taken by the right hon. Member for West Dorset (Mr. Letwin) and my hon. Friend the Member for Lewes (Norman Baker). I hope that the Government will take that initiative seriously, not only in their response to the debate tonight, but in the months and weeks ahead. At best, it provides the opportunity for the Government—and opposition parties—to be more courageous in some of the more difficult decisions needed.

Although we talk about how the public are beginning to understand better the imperative to tackle climate change, we are still a long way from getting the message across about the priority of taking effective action. We see that when oil prices rise and fuel protests are threatened. As political parties, we must get away from narrow party politicking and recognise the bigger goal of achieving real change.

When I talk to climate experts at the University of East Anglia, they tell of their fear that we are already too late to take effective action, but that is no reason for not trying. I want the political parties to lead public opinion on the issue. It is difficult to establish a link in the public's mind between what they hear about global warming and the actual effects on their lives. We hear of extreme events, such as Boscastle a couple of years ago and the damage caused by Hurricane Katrina, but there is no irrefutable proof that they were caused by global warming, although they probably were. However, we have examples in this country of real proof of the impact that global warming will have on us—the impact will of course be much greater in countries such as Bangladesh, where the potential loss of life is horrific—and evidence is building in my county of Norfolk of real potential damage. Experts say that sea levels could rise by 1 ft—with apologies for using the old currency—in the next

[Norman Lamb]

50 years, primarily because of global warming. Added to that, the Government are neglecting sea defences. For example, this year the Environment Agency will not be funded to replenish beaches in my constituency south of Sea Palling, but that is the point at which the sea can get into the broads.

In 1953, 300 people lost their lives in the east of England, but 8,100 people drowned in Holland. At that time, global warming had not had an impact, but rises in the sea level of 1 ft and an increased incidence of extreme events, such as storm surges, could lead to a devastating impact on the broads area, causing loss of lives, homes and livelihoods. We are on the front line of the impact of global warming and it is therefore essential for the Government to address the issue of sea defences, so that we can prepare for the future, and essential for us all to tackle the imperative of climate change.

Mark Lazarowicz: I recognise the hon. Gentleman's particular constituency interests, but does he agree that a difficult choice will have to be made in some areas about the wisdom of building sea defences higher and higher? I make that point in a genuinely consensual spirit, and perhaps the hon. Gentleman may wish to reply theoretically, avoiding the implications for his constituency.

Norman Lamb: Of course I understand that difficult choices have to be made, but above all else we have to ensure that effective action is taken now to tackle what is happening.

Finally, I wish to mention a worthwhile initiative by Greenpeace. Hon. Members have mentioned the horrendous inefficiency of the national power grid system. Greenpeace is advocating a much stronger focus on localised power generation, such as the initiatives in Braintree, Woking and other places. A move towards much more efficient power generation locally is one element of a new system of energy generation that will start to tackle this really serious problem.

6.40 pm

Bill Wiggin (Leominster) (Con): What an interesting debate we have had. I congratulate my right hon. Friend the Member for West Dorset (Mr. Letwin) on his consensual approach. He was optimistic and, as always, highly intelligent, yet gentle in his approach. He talked clearly about the path to 2050 and about the steps that we shall need to take to reach the 60 per cent. reduction target. I was disappointed by the slightly cynical nature of the interventions he took, although my faith was restored by the honesty and integrity with which he responded to them.

In her speech, the Secretary of State, was just a little too satisfied with the words of the Prime Minister. I hoped that she might have focused more on the results—what the Government have, or have not, achieved during the past eight years. It was clear from my right hon. Friend's answers to the Secretary of State what the body we had been talking about would do. I hope that she will think more carefully about his answers and the implications not only for the Government but for the whole planet. I agreed with her comment that we cannot lecture the other 189 countries about climate change; we must lead by example. I wish we were doing more to achieve that.

My hon. Friend the Member for East Surrey (Mr. Ainsworth) gave a wise and well-informed speech—prophetic, I suggest. I particularly liked his comment that the economy is part of the environment, not the other way around. That balance is key if we are to make the sort of progress that we have been discussing this afternoon.

The hon. Member for Nottingham, South (Alan Simpson) made four interesting suggestions. I do not think that he is a heretic; he made some constructive comments and I hope they will be taken on board. He looks slightly horrified, but he and I have agreed many times in the past.

My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) talked about the international element of the problems we face, especially whether we shall have agreement by 2012. His speech was concerned, eloquent and measured. He talked about low-carbon technology and pointed out that making it cheaper was fundamental to any constructive progress in reducing the effects of climate change.

I liked very much my hon. Friend's comments on energy efficiency: particularly important for a country that has only 2 per cent. of the problem is whether we can be the role model that we should be. If we are the fourth most powerful economy in the world, we are perfectly positioned to set an example. If we do not, we shall never be more than 2 per cent. of the solution. We must take this opportunity and use our role in the world to make a difference. I liked his suggestion about carbon intensity as a percentage of gross domestic product and I shall think carefully about that.

The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) made three points. He talked about the house-building programme, about the long-term agenda, stability, certainty and clarity that people need if they are to do the right thing and about how important it is that policies do not conflict. His examples could have taken the third point one step further. I believe that the Government were right when they talked about joined-up government, which fits in with what he was saying about the lack of conflict in policy, but we are not getting the joined-up government that I know Ministers want to deliver but are finding difficult.

My hon. Friend the Member for Chipping Barnet (Mrs. Villiers) talked about scrutiny of the Government and said that the Government must be open and clear. She said that consumers need to be encouraged to do the right thing. As is typical of her, she dissected the problem clearly. She talked about how the time scale contributes to the difficulties that we face with short-term pain for long-term gain. Her speech was, if anything, far too short, which is typical of her very generous nature.

The hon. Member for North Norfolk (Norman Lamb) talked about the consensus element that has been touched on today, the impact of global warming and his worries about the effect on his constituents.

We have been all over the world with the debate. We have talked about the Government's global discussions, about the global solutions that we need to achieve and a great deal about what we can do to make an impact on

the rest of the world. We could have talked a lot more about what we have done ourselves. When I start to think about what the world will be like in 2050—as I am sure that you do, Mr. Speaker—I realise that I shall be 84 by then. Depending on the Government crisis in pensions, I may well still be here but not yet Father of the House—one can never tell—but if we are still alive by then, perhaps the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), and I will be grandparents, and when we have our grandchildren on our knee I am worried that we may be dealing with their questions about what we did to stop the climate changing. My concern is that he may have to answer that, although the Government set tough and ambitious targets, they failed to meet them.

We have talked about climate change, but the Government have not got carbon emissions to decrease. In fact, they have increased. We were all promised joined-up government and that we would recycle 25 per cent. of household waste, but we are becoming worse than almost every other country in Europe. It is very worrying that such figures are coming out. We have talked about Britain topping the EU league for increasing carbon emissions from electricity and heat production. If we do not cut our carbon dioxide emissions, we are likely to fail the Kyoto targets. If Britain misses her Kyoto targets, it would be very damaging not only for our environment, but for our standing and place in the world.

The climate change levy, which was discussed earlier, has proven a failure. It raises some £800 million a year, but it is far from clear where that money is spent. Only £40 million has been spent on developing solar energy systems, for example. In June, the Government announced that they would invest £25 million in carbon capture and storage schemes. The cost of creating carbon capture and storage models in the North sea could be as low as £40 million, so why cannot the Government add an extra £15 million from their £800 million to achieve that? The Norwegian company, Statoil, has been successfully using that method in the North sea for the past nine years. The technology is there; we have got to get on with using it.

We have difficulties with transport, which accounts for 22 per cent. of Britain's greenhouse gas emissions. The EU biofuels directive set a target of substituting 2 per cent. of fuels used, by energy content, with biofuels by the end of this year. The Government have set Britain's target at just 0.3 per cent. In 2003, biofuels represented only about 0.05 per cent. of the total automotive fuel market.

California is developing a hydrogen highway. Iceland estimates that it will power its whole infrastructure with hydrogen in 30 years. Britain could be doing so much better. Household waste is increasing by 3 per cent. a year. Germany diverts nearly four times as much and Denmark five times as much waste from landfill per person as Britain does.

On the Government's success rate in implementing the Cabinet Office guidelines on environmental legislation, they have managed to get them right only 16 out of 85 times. Last year, just 34 out of 121 regulations complied with the Cabinet Office guideline of issuing advice 12 weeks before implementation—a success rate of 28 per cent.

The Government can do a great deal. I believe that they want to do it, and they should take the opportunity of the consensus that has been offered. It is entirely constructive, and I am sure that, when the Secretary of State has had a good chance to think about it, she will see the benefits not only to the Government and our country, but to the whole planet.

6.49 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): This has been a remarkable and encouraging debate. Let me begin by paying tribute to the contributions from the Back Benches. We have had reminders from my hon. Friend the Member for Carlisle (Mr. Martlew) and from the hon. Members for East Surrey (Mr. Ainsworth) and for North Norfolk (Norman Lamb) of some of the real impacts of climate change. My hon. Friend the Member for Carlisle referred to the regular and terrible flooding that he and his constituents have suffered, and we have heard about the rising sea levels and the coastal erosion in Norfolk and about the hurricane that has happened since we last debated the subject. Although it is right to say that one cannot detect in a single meteorological phenomenon the impacts of climate change, there is now no doubt that the warming of the oceans as the result of climate change is making such events more regular and violent. We heard good and timely reminders.

We heard contributions from my hon. Friends the Members for Nottingham, South (Alan Simpson) and for Edinburgh, North and Leith (Mark Lazarowicz), who made constructive recommendations and proposals as to what we might do to help to counter the problem.

We also heard a second excellent contribution from the hon. Member for Ruislip-Northwood (Mr. Hurd). Among other things, he talked about the importance of using market mechanisms to push the agenda forward. I wish that he could have spent some time at the conference of international business leaders from China and all round the world that took place in London this week and that he could have listened to those business leaders, including some from the UK, whose companies are aiming for carbon neutrality. An economic process is going on and people see real business and economic opportunities, and the hon. Gentleman is right to say that we must harness them.

The most remarkable thing about the debate, however, was the level of consensus. I pay tribute to the right hon. Member for West Dorset (Mr. Letwin) for securing the debate. I do not think that it would have happened in the past, and I think that it is a tribute to the fact that he has moved this important issue to the centre of his own party's policy. I hope very much that he can keep it there.

I am a natural consensualist, so I am instinctively attracted to the proposal that both the right hon. Gentleman and the hon. Member for Lewes (Norman Baker) made. The right hon. Gentleman was very generous in his praise of what the Prime Minister has achieved on the international scene, and praise is also due to my right hon. Friend the Secretary of State. She has also played an extremely important role on the international scene, as has my hon. Friend the Minister for Climate Change and the Environment, who I am

[Mr. Ben Bradshaw]

afraid cannot be here to reply to the debate because he is conciliating as part of our presidency commitments on the bathing water directive in Brussels—lucky him.

The right hon. Member for West Dorset was not quite so generous in his remarks about our domestic record. It is important to remind the House that we have the renewables obligation; the climate change levy, although he may disagree with it; the emissions trading scheme, which was UK led; the changes to company car tax; and the changes to the vehicle excise duty.

Mr. Crispin Blunt (Reigate) (Con): Will the Minister give way?

Mr. Bradshaw: I am terribly sorry, but I have only 10 minutes to reply to the debate.

On the building regulations, we have managed to achieve a 40 per cent. improvement in efficiency in buildings in just three years, because of some of the changes that we have introduced. Hon. Members who raised the issue were right. We need to do more.

We also have the climate change review that will address the very specific criticism that the right hon. Gentleman and others have had that we are not on track to meet our CO_2 targets. I hope that some of the suggestions that have been made by hon. Members on both sides of the House will help to contribute to that review and help us to get back on track to meet those targets.

I welcome the conversion of the Conservative party to targets, but I remind it that neither the Conservatives nor the Liberal Democrat party included the 20 per cent. CO_2 reduction target by 2010 in their manifestos. The Labour party was the only party to do so. That is fine; I welcome the conversion. I accept that the right hon. Gentleman is sincere in taking the issue seriously. My fear, however—I hope that I am wrong—is that he has not achieved a consensus in his own party. He may seek a consensus across parties, but the right hon. Member for Wokingham (Mr. Redwood) said in an interview recently:

> "The fashionable media have decided that climate change is one of the biggest challenges to mankind. But they ignore the fact that the earth has lived through hotter times than today."

I therefore ask whether the right hon. Member for West Dorset has a job in his own party to reach the consensus that he needs to accomplish before he tries to achieve a consensus on both sides of the House. We would feel easier about his admirable desire if he could achieve that first.

The hon. Member for Lewes was also generous in his tributes to what the Government have achieved. I think that he would agree that our policies have a lot in common, although it is important to highlight a couple of issues on which we do not agree, as my right hon. Friend the Secretary of State did in reply to his letter. We do not think that talking about imposing emissions reductions on developing countries, especially India and China, is a sensible negotiating position, so we can be honest in disagreeing with him about that. Additionally, advocating a specific proposal for the shape of a future climate change agreement after Kyoto would not be a sensible negotiating position at this stage, as my right hon. Friend said.

Apart from the independent body, which my right hon. Friend talked about in her speech, the one thing on which the Conservatives and Liberal Democrats seemed to be able to agree was the annual obligation or target—whatever one wants to call it. The problem with an annual obligation, apart from the fact that it is suggested by two parties that until recently did not want to commit even to an obligation by 2010, is that it would leave no room to take account of the effect of short-term fluctuations in the global economy or the price of certain fuels. For example, what would happen in the event of the situation that occurred over the past two years when more coal was burned because of the price of gas, which created a problem with our short-term CO_2 targets? The hon. Member for Lewes and the right hon. Member for West Dorset do not explain how an annual obligation would help us to cope with such situations.

I am slightly confused about the consensus that the Conservatives and Liberal Democrats envisage. I did not think that the hon. Member for Lewes was clear about whether he was advocating an agreement, or an exchange of views. If he was advocating an agreement, it would be incredibly difficult to achieve. For example, I look forward to the day when the Conservatives and Liberal Democrats will be able to agree on the future of nuclear energy. If he was advocating an exchange of views, we can have that. We have been having such an exchange for the past three and a half hours and it has been an extremely interesting, instructive and educative experience.

Norman Baker *rose—*

Mr. Bradshaw: Perhaps the hon. Gentleman would like to clarify his position.

Norman Baker: I am happy to do so. I want an agreement, but I said that we should have a solid foundation on which we could agree, and perhaps even an additional couple of storeys, but that we could each have our individual structures above that—*[Laughter.]* No, this is serious. Let us maximise what we can agree on, rather than picking out differences.

Mr. Bradshaw: The right hon. Member for West Dorset was slightly more candid when he acknowledged—I think—that he did not really expect us to accept his offer at least until he was ready to come up with proposals, after he was frank enough to admit that he did not actually have any proposals at this stage.

Although I am a natural consensualist, I am slightly cautious of the prospect of trying to reach consensus while the Conservative party is in the throes of a leadership election, the outcome of which we do not know. We do not know whether the right hon. Gentleman will still be in charge of its climate change policy after that election, although I hope that he will be for the reasons that I outlined earlier. I certainly hope that his man and wing of the party wins the election so that we might maintain the consensus that we have built over the past few weeks. The hon. Member for Lewes said that we needed to reach out in a fog, but I assumed that the fog to which he was referring was the Liberal Democrat policy review.

It is not realistic for us to achieve the sort of consensus that the hon. Member for Lewes and the right hon. Member for West Dorset envisage until both the Liberal Democrat policy review and the Conservative leadership election are out of the way. At that time, we might be able to do so. The door is open for this great idea, so I hope that we will be able to make progress when both those issues are resolved.

I take the offer at face value and think that it is an interesting and constructive idea. I welcome both it and the fact that the House is debating one of the most important issues that face mankind in such a constructive and consensual way. However, if the Opposition parties are serious about a consensus, they should take up the constructive suggestion of my hon. Friend the Member for Carlisle and not press the motion to a vote.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 229, Noes 309.

Division No. 54] **[8.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Mr. Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Mr. Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Roeindell, Andrew
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Selous, Andrew
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and Mr. Mark Prisk

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John

Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Maria
Efford, Clive
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Law, Peter
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Steele, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David

Wright, Mr. Iain	**Tellers for the Noes:**
Wright, Dr. Tony	**Joan Ryan and**
Wyatt, Derek	**Kevin Brennan**

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No.31 (Questions on amendments), and agreed to.*

MR SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House congratulates the UK Government on the unparalleled leadership it has shown in raising the issue of climate change up the international agenda; welcomes the outcomes of the G8 Summit in July in Gleneagles and the UK's achievements in establishing a new momentum in international discussion on climate change; further welcomes the Government's commitment to work towards agreement on the long-term goals and action needed to stabilise the level of greenhouse gases in the atmosphere and the UK's commitment to seek further international action through the EU Presidency, the first meeting of the G8 dialogue on 1st November and the Montreal meeting in December; commends the Labour Party for its continuing objective to reduce emissions by 20 per cent. by 2010; and welcomes any support for measures that will actually reduce UK emissions.

Clean Coal Technology

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

7.17 pm

Huw Irranca-Davies (Ogmore) (Lab): I thank my hon. Friend the Minister for his time today in a series of coal-related debates—not for nothing is he called the Energy Minister, given all his running around. I also pay tribute to other coal-mining MPs who this morning responded to the call by my hon. Friend the Member for Selby (Mr. Grogan) for a good one-and-a-half-hour debate on the future of the coal industry.

The names Wyndham, Deep Navigation, Abernant, Garw Ffaldau, Marine, Merthyr Vale, Britannia and Six Bells are all ghosts from the very recent past in Wales—they are some of our most famous deep pits. For many people it is like reading the obituary column in the local paper and seeing the names of friends who have gone. Only one of all the deep mines in Wales is now left. That is to the credit of a singular group of people in Tower colliery who, against the odds—against the Government and the management of the day—defied advice and literally carved a success story out of the Welsh hills. I applaud my hon. Friend the Minister for announcing this morning the additional phase 2 funding of £832,000, which will go down very well in the constituency of Cynon Valley. My right hon. Friend the Member for Cynon Valley (Ann Clwyd) has campaigned long and hard on behalf of the Tower colliers and their families.

What if the rumours of the death of deep mining in Wales and the UK are greatly exaggerated? As the Minister knows, the long list of defunct pits that I read out have a common feature in that they are also a list of the workable coal reserves in south Wales—250 million tonnes of potentially workable coal reserves. Add to that the current energy challenges faced in the UK, mix in the proven and still developing capabilities of clean coal technology, and all of a sudden we have the ingredients for a future for coal. The same ingredients could be mixed throughout the United Kingdom's coalfields. Wyndham-Western, Deep Navigation, Abernant, Garw-Ffaldau, Britannia, Six Bells—that is not an obituary. Those pits can be used to revitalise UK energy policy. High-quality coal reserves can help our energy needs and our energy security and help UK plc to develop a leading edge in clean-coal technology.

John Robertson (Glasgow, North-West) (Lab): Does my hon. Friend agree that we should support companies such as Babcock and Wilcox, which are at the leading edge of new technology for clean coal?

Huw Irranca-Davies: I agree entirely. I will deal with Babcock and other technologies shortly, because they point the way forward.

In south Wales, 250 million tonnes of reserves were identified back in 1979. The rapid and brutal pit closure programme meant that only 20 million tonnes have been mined. Modern mining techniques and global energy changes make the reserves more viable and they could provide power for more than 50 years.

Mark Tami (Alyn and Deeside) (Lab): Is it not testament to the lack of a proper energy policy in this country that we are discussing the subject only now? We should be leading the world, with many plants using the technology.

Huw Irranca-Davies: I empathise with my hon. Friend but I hope that, especially after this morning's debate and the Minister's comments this evening, we will be more optimistic about the way forward for UK Coal. I believe that the challenge exists and that the Government are rising to it. My hon. Friend the Minister will excuse me if I push a little harder.

In his speech in Brighton, the Prime Minister talked about nuclear power being back on the agenda. The argument for coal is more clear-cut, compelling and categorical. If only the Prime Minister had asked me to help write his conference speech—I am still available for a small fee—I could have finessed it with a touch of black gold.

It is said that surely nobody wants to continue mining nowadays. Yet modern mining methods, including improved ventilation underground, mean that the work and environment are greatly improved. That is essential if we are to avoid or minimise the legacy of respiratory disease and other occupational illnesses.

Mr. David Hamilton (Midlothian) (Lab): Would that enable the Scottish coal industry, which is non-existent apart from open cast, to consider the possibility of drift mines? I agree wholeheartedly about the new technology but when we talk about UK Coal, we mean English coal and Welsh coal.

Huw Irranca-Davies: I agree. The feasibility of all the reserves needs to be considered without favour.

Mr. Dennis Skinner (Bolsover) (Lab): My hon. Friend mentioned Tower in Wales. Its existence is a credit to the mining industry. He also mentioned UK Coal, which is little more than a property company. Does he agree that, when the Government launch their new energy policy, based on opening drift mines in whatever part of Britain, it should be based on an alternative similar to Tower, or perhaps comparable to Network Rail, and that they should not simply hand out money to a property company to shut pits and develop the land?

Huw Irranca-Davies: I agree. That point was powerfully and repeatedly made this morning. There is a case for an alternative way forward that is not based on the existing UK Coal because of all its disadvantages.

What about the ugly tips that have disfigured our valleys and hills? The land is recovering and regaining its natural beauty. Surely no one wants to recreate the industrial wasteland and the scars of industry. Yet, again, with modern mining technology of various types, one can return the waste underground. Advanced landscaping techniques mean that the impact on the environment is minimised and can even be better when the mines have reached the end of their life. The discharge pipes for methane gas are a characteristic feature of many coalfield areas. Yet now methane gas can be harnessed for electricity generation.

"But, for goodness' sake", say some, "You can't have coal burning power stations and achieve our carbon emission targets. It's bonkers to pretend otherwise." To think in that way is to have slept through the advances in technology in recent years. As a former Energy Minister neatly put it:

"Coal can be part of the environmental solution instead of part of the problem."

Jeff Ennis (Barnsley, East and Mexborough) (Lab): Does my hon. Friend recall that, in the early 1980s, this country led the world in clean coal technology, through the fluidised bed plant at Grimethorpe colliery power station in my constituency? That plant was funded by more than 20 countries, including America and Japan. Unfortunately, the facility was closed down by Mrs. Thatcher. Does he agree that this country continues to regret that decision to this day?

Huw Irranca-Davies: Indeed, and I am sure that all Members here will agree that we want to regain that lead in clean coal technology to take us forward through not only the next few years but the next few decades. The export potential is massive, but it will not happen without investment and prioritising clean coal and carbon abatement technology.

We know that, by 2015, at least half the UK's coal-fired generation plants will close because they have failed to meet EU emission targets. These older technology plants generate 32 per cent. of our electricity needs and as much as 45 per cent. at peak times. We talk about nuclear power, but the closures are going to coincide with the decommissioning of the existing old nuclear power stations, which themselves provide one fifth of UK electricity. With the best will in the world, renewable energy and even a resurgence of modern nuclear power will not fill that energy gap. Clean coal technology, based on securely sourced UK coal, is not just desirable but essential if we are to meet our energy needs.

Energy security is becoming a greater issue in the UK every day, especially as our reliance on overseas supplies grows. The Government's own figures show that 70 per cent. of the UK's energy needs will be supplied by gas by 2020, and that 90 per cent. of that will be imported. That will make the UK extremely vulnerable to disruption of supply and it is vital that we have an indigenous capacity for energy creation from a variety of sources, including renewables, clean coal technology and—well, who knows? I think nuclear power deserves a separate debate all of its own. Let us wait and see.

Ed Balls (Normanton) (Lab): Does my hon. Friend agree that short-termism is the biggest enemy of indigenous coal production? If we can adopt a long-term approach to energy policy, to security of supply, to carbon sink technology and to coal generation, we shall have a chance of at last attracting long-term investment in the production of indigenous coal.

Huw Irranca-Davies: I entirely agree. We need a portfolio approach and the ability to make long-term decisions, based on the fiscal measures that are in place not just for five years but for 10 or 20. The energy suppliers and generators—the people who will invest in this technology—need the security of knowing that they can make those long-term decisions.

I am pleased that the DTI has recognised that clean coal and related technologies have a role to play, as have the Welsh Assembly Government. But the Minister must recognise the concern from the National Union of Mineworkers, Amicus, Tower and others that the investment in clean coal technology is less than it should be. There should be more. The USA has led the way in this regard, investing significantly in gasification technology and, to a lesser extent, carbon capture. China has undertaken retrofit programmes on several power plants and is experimenting with gasification. My argument to the Minster is that we have a golden opportunity to develop a UK lead in this market and to export our technology worldwide—I know that he realises this—but it could so easily be missed through under-investment.

On 14 June 2005, the Minister said:

"Reaching our ambitious target of cutting carbon emissions by 60 per cent. by 2050 means action now to support emerging technologies that will enable us to burn coal and gas more cleanly."

He was absolutely right and we need to know the scale of that investment. Nick Otter, the director of technology and external affairs at Alstom Power welcomed the

"willingness of the UK to take a portfolio approach to the reduction and management of carbon dioxide at the heart of climate change."

Andrew Davies, economic development Minister in the Welsh Assembly Government, also recognises this potential in the "Energy Wales" consultation document. He notes that south Wales is a net importer of energy, which is remarkable in the light of my earlier comments on the reserves of good-quality coal in the south Wales coalfield. He said:

"Security of Energy supply requires us to continue to ensure a diversity of fuel supplies which means pressing for the development of cleaner coal operations and the eventual carbon capture for the carbon dioxide emissions of fossil fuelled stations generally."

In Wales, therefore, a review is under way. A coal technical advice note is to be developed for 2006, and there is a will to put in place a demonstration gasification project by 2010. Wales has a key strategic role to play.

The Uskmouth power station in Newport already utilises flue gas desulphurisation—FGS—and is one of the cleanest plants of its size in the UK, and the necessary consents to fit FGS to Aberthaw have been obtained. Those retrofitted devices are a great improvement—they achieve carbon savings of 15 to 20 per cent.—but newer, purpose-built, cleaner plants must be the longer-term solution.

Jessica Morden (Newport, East) (Lab): I recently visited the Uskmouth power station, which is in my constituency, and the company reiterated that they want to develop their use of clean coal technology. But as new technologies are often unproven, banks are unwilling to lend the money and take the risk with new projects. I am sure that my hon. Friend agrees that we should offer more support to industries to prove these technologies in the long run.

Huw Irranca-Davies: The point is well made: long-term support, and the clarity of that support years ahead, is vital.

On other aspects of technology, one prime example is conversion or pre-combustion technologies such as gasification—turning coal into a gas or liquid that can be cleaned and used as fuel. That is the cleanest of all coal-based electric power technologies, with lower air emissions, solid wastes and waste water. Moreover, it has far higher efficiency, using less coal to produce the same amount of energy, thereby leading to lower CO_2 production. Clearly, that is the way forward.

Concerns have been expressed about the disposal of carbon, yet the technique of carbon capture linked to sequestration appears to have immense potential, which is why BP and its partners started injecting CO_2 last year into the In Salah gas fields in Algeria. The technology exists. In the US, oil producers are paying electricity producers for their CO_2 for that very reason, because it helps them pump out more oil from their oilfields. It is a win-win situation, and BP estimates that reservoirs in the North sea have the capacity to store more than 60 years of the CO_2 produced by all the power stations in Europe.

The Minister will know that one key aspect affecting viability, on which a couple of interventions have touched, is long-term planning, and availability of credits under the EU emissions trading scheme is critical to that. That was discussed in the earlier debates today. Perhaps the Minister will comment on that, and on the much-anticipated report on carbon capture and storage by the intergovernmental panel on climate change.

When the men and women of Tower colliery in south Wales, and their wives and families, took their futures into their own hands and made that pit work, they had to fight against the management, the Government, and against the odds. They were proved right then. They are equally right now. There is a future for coal in Wales and the UK, a future based on economically viable mining, energy security and cutting-edge clean coal technology.

Cwm, Coedely, Brynlliw-Morlais, Blaenant, Treforgan, Penallta, Taff Merthyr, Mardy, Lady Windsor—coal has a great past, but also a great future. It is for us and the Minister, with the support of the coalfield MPs, to carve out that future together.

7.34 pm

The Minister for Energy (Malcolm Wicks): I congratulate my hon. Friend the Member for Ogmore (Huw Irranca-Davies) on securing this debate tonight. It is encouraging to have so many hon. Friends behind me, but also slightly scary. It might be an accident of parliamentary timetabling that we have had three debates on energy—two in Westminster Hall and one in the Chamber—as well as the climate change debate today. It is not entirely a coincidence, however, that there is a growing interest in energy policy and futures in the United Kingdom. I note that although the Labour Benches are packed, the new alliance on climate change between the Conservatives and the Liberal Democrats is clearly taking place elsewhere. Any suggestion, moreover, that the nationalists have an interest in this issue is also a point that we might want to debate.

My hon. Friend spoke eloquently about his concern at the decline of the coal industry in south Wales, and he spoke enthusiastically about the potential impact of new technologies on the future prospects of the coal

[Malcolm Wicks]

industry. I want first to address his concern about the present and immediate future of the UK coal industry, and then to look further ahead to the exciting potential role that new technologies can play in making coal a part of a low carbon future.

Currently, there are three deep mines in south Wales. My hon. Friend spoke about the Tower colliery, which employs 375 people and produces some 600,000 tonnes of coal per year. I hope to visit that colliery next week. Work is in progress to re-access viable reserves at Energybuild's Aberpergwm colliery. If this project is successful, the mine should employ some 178 people and produce about 300,000 tonnes of coal per year by 2008. There is also one surviving micro-mine, which is a two-man operation.

Both Tower and Aberpergwm have benefited from coal investment aid. Tower was awarded £2.22 million in application period 1, and as my hon. Friend noted, I announced today that it has been awarded a further £842,000 in application period 2, making a total of more than £3 million. That is a significant sum, and Aberpergwm has also been awarded a total of £3.5 million. These awards will help both mines to meet the cost of investing in projects that are supposed to be completed by the end of next March. However, if progress is slower than expected, payments will continue until the award is exhausted.

The aim of coal investment aid has been to support investment projects in order to maintain access to viable reserves, and to protect mining employment to 2008. Regrettably, at that point Tower is expected to reach the end of its working life, but we hope that the new mining project will progress according to plan. I am advised that it should continue to produce coal and to contribute to local energy needs until at least 2015.

In addition to these deep mines, south Wales currently has seven working surface mines. They employ some 390 people and produced 1.6 million tonnes of coal in 2004. Continuing supplies of coal from both deep and surface mines will be essential in maintaining security of energy supply in south Wales for the foreseeable future. They are particularly important to Aberthaw power station, which remains a vital source of electricity for local domestic and industrial consumers.

My hon. Friend listed a number of locations where coal has been worked in the past, and which may still hold viable reserves, whether for deep or surface mining. Recent changes in the international coal market may help to make them more commercially attractive to potential operators, and it would be good to hear of un-worked reserves being brought into production. For that to happen, they would of course need to meet the terms of planning legislation provisions, in order to ensure that the potential environmental impact of coal working can be managed, or offset, to meet the reasonable concerns of local communities.

I turn now to the future. I share my hon. Friend's enthusiasm for the opportunities that clean coal technologies could provide in respect of the UK's energy mix. Of course, this issue is of wider international note. At the recent EU-China summit, an announcement was made about clean coal technology in China. As colleagues know, given the number of coal stations that will be built in the years to come, the role of clean coal technology in China will be crucial if our international environmental climate change objectives are to stand any chance of being met successfully.

It is clear that if these technologies can become competitive in the UK in the next 10 to 15 years, they can contribute successfully to our energy White Paper target of reducing carbon emissions by 60 per cent. by 2050. But of course, we must recognise that even if we successfully develop cleaner coal technologies, it does not necessarily follow that we will use British coal exclusively. Today, coal is an internationally traded commodity, and good quality, competitively priced coal is available from abroad. Thus clean coal technologies are not necessarily the saviour of the British, or indeed the Welsh, coal industry, although I would hope that they would be a significant factor in helping our industry. The key is that British coals need to compete effectively with other sources from abroad.

That said, the key challenge is to develop the technology to deal with the fact that at the moment coal is about twice as polluting as natural gas. How should we go about that? While it should be industry rather than the Government that identifies and brings the most appropriate technologies to market, we also recognise that the Government have an active role to play to stimulate that. That is why I announced back in June the publication of our carbon abatement technology strategy for fossil fuel use. As my hon. Friend mentioned, I also announced a package of some £40 million in capital grants for demonstration projects covering carbon abatement technologies, hydrogen and fuel cells. About £25 million of that has been specifically allocated to demonstrating carbon abatement technologies.

Officials in the Department are currently working up this scheme and we expect to be able to announce more details early next year. In the meanwhile, they are taking forward the other activities identified in the carbon abatement technology strategy, such as the development of a technology road map so that we can focus on those technologies that we need to develop for coal and other hydrocarbons to have a sustainable future.

It is already clear that a number of technologies can be developed to reduce carbon emissions. The most radical solution is carbon dioxide capture and storage, which can reduce emissions by about 85 per cent. For it to be commercially viable, the impact of capture on plant efficiency has to be reduced—as do the costs—we estimate that it will be some 10 to 15 years before we reach the point at which they will be commercially viable. That is why we are placing short-term emphasis on improving the efficiency of plant.

As well as providing development and demonstration funding, we are also tackling the other barriers blocking the route to market for these technologies. The Chancellor recognised in his Budget statement that CO_2 capture and storage has the potential to reduce carbon emissions from fossil fuels. As part of the climate change programme review, we are investigating what can be done further to incentivise the take-up of those technologies. We are also working with our European

partners on how to enable CCS to qualify for carbon credits under the emissions trading scheme. All those activities and many more form a work programme that was set out in the carbon abatement technologies strategy—work that I expect to lead to an environment that will enable the technology to become a reality.

In the North sea, colleagues will note the BP project in the Miller oil field where it is planned to return carbon dioxide back to the North sea fields, enabling more oil to be produced. In addition, there is the BP work in the Salah gas field in Algeria. Around the world, there are bits of technology and good practice that we can draw on. We are very supportive of all those projects, as their success will provide encouragement for similar projects and lay the foundation for the take-up of new, cleaner fossil technologies.

We have had debates today on coal and energy policy. On a wider note, the House will know that we will shortly be announcing the details of our energy review, as highlighted by my right hon. Friend the Prime Minister in his speech to the Labour party conference in Brighton. My right hon. Friend has said that he wants energy policy recommendations to be made by next year. That shows his emphasis on energy policy, and the urgency that he attaches to a range of issues to do with climate change, geopolitical developments, energy supply and other matters.

In addition, my right hon. Friend the Chancellor has announced a review of fiscal measures relating to climate change, and the Department for Environment, Food and Rural Affairs has also initiated a climate change review that will report by the end of the year. That shows that we have in place—or will have in place very soon—the necessary analysis and research that will enable us to think through a variety of difficult issues. That will help us to fulfil our aim of relating our concerns about the planet and climate change—surely the ultimate public good—to our concerns about energy supply, and to the social policy aspects of matters such as fuel poverty.

Within that review process, we must of course look at the future of coal. Therefore, the House will have every opportunity to debate issues that are vital to the people of Wales, Scotland and England, and to the future of energy policy in the UK.

Question put and agreed to.

Adjourned accordingly at fifteen minutes to Eight o'clock.

House of Commons

Thursday 13 October 2005

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Self-invested Pension Plans

1. **Chris Huhne** (Eastleigh) (LD): What assessment he has made of the implications for the liberalisation of the rules on eligible assets of aggressive marketing of self-invested pension plans. [17037]

The Chief Secretary to the Treasury (Mr. Des Browne): There has been widespread speculation about the impact of new rules that will allow self-invested personal pensions to invest in residential properties and other personal assets. Government guidance sets out the implications of putting a residential property into a SIPP, which is unlikely to be an appropriate investment for most people. The Government will keep the matter under review and will not hesitate to act if there is evidence of abuse.

Chris Huhne: Given that an investor would normally need about £1 million in assets in order to put one residential property into a SIPP and maintain a reasonable diversification of assets within the fund, does the Chief Secretary regard the Government's advice as adequate to prevent what could be a pensions mis-selling problem in the future?

Mr. Browne: I thank the hon. Gentleman for his question, but may I say at the outset that when the hon. Member for Yeovil (Mr. Laws) spoke for the Liberal party on the simplification of pensions and related law, he supported this simplification? All the reasons that he gave then, particularly when he spoke in Committee on 8 June 2004, still stand. I have already said that SIPPs are not an appropriate type of pension fund for most people, and the limitations attached to such investment mean that it is unlikely, in our view, to have an appreciable effect on the housing market. As the hon. Member for Eastleigh (Chris Huhne) knows—he has issued a press release on the matter—we are currently consulting on the proposed changes to open up the personal pensions market and, indeed, to make the regulation of providers, including SIPPs, more transparent and comprehensive.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): I welcome my hon. Friend's statement that he will review the issue so that we can prevent a whole new set of tax-avoidance rackets arising. Will he examine both the rules for attributing rent to property that may be placed inside self-invested pension funds and the tax rules on debt, so that people cannot use SIPPs as a way of passing on to their successors untaxed tax relief supporting large investments?

Mr. Browne: I am grateful to my hon. Friend for his question, but I have already made it clear that the Government will monitor the impact of the changes. As with all tax policies, we will keep the rules under review. If we discover a loophole or identify distorting effects, we will take appropriate action. As to the policing of the SIPPs tax regime, Her Majesty's Revenue and Customs will ensure that the tax privileges granted to pension schemes are used for their attendant purpose and will target compliance procedures accordingly.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Minister said that the Government have set out their policy, but in the last few weeks Her Majesty's Revenue and Customs has had to withdraw its guidance note on the personal use of holiday homes and admit that it had got it wrong. The Government are in a muddle on this issue, which will cost the taxpayer billions and will send property prices soaring beyond the reach of first-time buyers.

Mr. Browne: The hon. Gentleman will be aware that the regulatory impact assessment that was published at the time of simplification assessed the entire pension simplification package as costing about £250 million a year. He will also remember that questions have been answered in the House to make it clear that there will be a tax charge on the sort of developments that he suggests might take place. As he is aware, consultation is also taking place on the proposed changes, including regulation, at the moment. If the hon. Gentleman would like to make some comments, it would be appropriate for him to feed them into that consultation.

David Taylor (North-West Leicestershire) (Lab/Co-op): It is not unknown for regulatory impact assessments to get predicted costs wrong, as in the example of the £10,000 tax-free provisions on micro limited companies, which had to be withdrawn. Would the Minister be prepared to meet some of my constituents who lost their pension funds when British United Shoe Machinery Ltd. went down and explain to them why a scheme that gives tax breaks to the rich and the mega-rich—some estimate to the tune of £2,000 million a year, which is 100 times the amount that the Government are putting into pension rescue funds—is not a bit of an anomaly?

Mr. Browne: Simplification provides benefits for all taxpayers, including those on lower incomes, and not just for the rich. The simplification process, of which this is part, was widely consulted on. The then Financial Secretary to the Treasury did precisely what my hon. Friend now suggests—he consulted MPs and communities about the effects. Much more flexibility was needed in the pension system and it has been introduced, to the benefit of all those who are in pension schemes.

Economic Performance

3. **Mr. Brian Binley** (Northampton, South) (Con): What recent assessment he has made of the performance of the UK economy. [17039]

8. **Sir Michael Spicer** (West Worcestershire) (Con): What assessment he has made of the state of the UK economy. [17044]

The Chancellor of the Exchequer (Mr. Gordon Brown): As normal, the pre-Budget report will update our assessment on the overall economy, but yesterday's employment figures revealed that there were 350,000 extra jobs in last year alone and 2.3 million extra since 1997. I inform that House that I have today submitted Britain's national economic reform programme to the European Union and published detailed proposals for the Hampton Court summit to raise levels of British and European economic growth.

Mr. Binley: Yesterday, Mr. Mervyn King was reported as saying,

"The business cycle has not been abolished".

He asked,

"Will the next 10 years be as nice as the last?"

His answer was, "That seems unlikely." Will the Chancellor be kind to me and say whether he agrees or disagrees with those remarks?

Mr. Brown: First, the Governor of the Bank of England was referring to the trebling of oil prices over the past three years, and the reaction and response that has had to come from Governments around the world. He is right to say that we have had a golden age of stability over the past 10 years. That is simply the result of the macro-economic reforms in monetary and fiscal policy that we made in 1997, which enabled us to have stability and growth.

As for the prospects ahead, the hon. Member for Northampton, South (Mr. Binley) will know that, also yesterday, the OECD said that Britain was a paragon of stability, with the most stable economy of all the G7 countries. It noted too that, in terms of income per head in the G7, we had moved from seventh place out of seven in 1997 to third place now. If the hon. Gentleman disagrees with the policies pursued by this Government, will he ask us to adopt the policy that he put on a website yesterday, where he advocated a flat tax that would mean £50 billion in public expenditure cuts? That would be especially interesting, given that he told the House of Commons in July that he wanted more spending on police in his constituency.

Sir Michael Spicer: Given the Government's miscalculation of its gross domestic product forecast, taxes are going to have to go up, are they not?

Mr. Brown: The public spending plans that we have published are perfectly affordable. As I said on the radio this morning, we have published in detail our plans for the next few years. They are perfectly affordable, and we will continue with them. What would not be affordable would be the introduction of a flat tax that would cost £50 billion in public expenditure cuts. That is especially important, as the hon. Gentleman states on his website that he wants more expenditure on his local hospitals.

Mr. Dennis Skinner (Bolsover) (Lab): Will the Chancellor agree with my assessment of the Bolsover economy? When Labour came to power, unemployment was at 10 per cent., and all the pits had closed. Now, a formerly derelict textile mill employs 650 people, and factories have been built at every pithead. When we get junction 29A, there will be another 5,000 jobs for the north Derbyshire area. That contrasts with Black Wednesday 1992, when Boy George's pal, the hon. Member for Witney (Mr. Cameron), was the special adviser to Norman Lamont. What a mess that was!

Mr. Brown: It is true that the photograph taken on the day this country left the exchange rate mechanism and had to impose 15 per cent. interest rates shows that, standing next to the then Chancellor, was the policy adviser who happens now to be a candidate for the Conservative leadership. People will not forget the 15 per cent. interest rates imposed by members of the previous Government, nor that we had 10 per cent. interest rates for more than four years under that Government. Under this Government, interest rates in Britain have averaged 5 per cent., and have recently come down. We will continue to follow the advice that we should create jobs in communities where there has been dereliction. I do not know about junction 29A, but I hope to visit it some time in the future.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Energy prices have risen significantly over recent times, but analysts such as Utilyx and Barclays Capital say that British business is losing out on £1 billion a year through poor energy-buying practices. Does my right hon. Friend feel that there is anything more that the Treasury might be able to do to encourage British business to retool its energy-buying practices to get the benefits that could accrue from better management?

Mr. Brown: I will certainly look at the point that has been made. It is clear that the doubling of oil prices has brought new pressures for businesses and consumers, but we also face pressure to look at new measures for energy conservation, alternative sources of energy and better energy purchasing policies by businesses and Governments, as my hon. Friend suggests. We will continue to examine all those issues. At recent meetings of the International Monetary Fund in Washington, we agreed a five-point plan, proposed by Britain, which included seeking better ways of using existing energy.

Sir Peter Tapsell (Louth and Horncastle) (Con): May I give the Chancellor a second opportunity to obfuscate the clear remarks made by the Governor of the Bank of England on Tuesday? He said that this country is heading for rising inflation and lower economic growth. Does the Chancellor agree, and if so, what will he do about it?

Mr. Brown: I would take the advice of the hon. Gentleman more seriously if he had not predicted that

giving the Bank of England control over monetary policy would lead to deflation and higher unemployment. In fact, in these years—

Sir Peter Tapsell: Answer the question!

Mr. Brown: In these years, we have created 2.3 million jobs. The Governor of the Bank of England was referring to the doubling of oil prices. In fact, oil prices have trebled in the past three years. That creates a more difficult environment, but in no other decade would a trebling of oil prices have led to anything other than a recession in the British economy. Nor, if I may say so, in any other decade would the increase in house prices of the past few years have been moderated without a recession—but that has happened under this Government and the policies that we have pursued. The hon. Gentleman, who was wrong about the Bank of England's independence, should congratulate the Government on the stability that we maintain and are determined to continue to maintain, with low inflation, low interest rates and rising employment in our economy.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): As part of my right hon. Friend's assessment, does he agree that Europe must grow faster?

Mr. Brown: I agree entirely. The proposals that we are making today recognise the fact that if the euro area economy is growing by only 1 per cent. and 50 per cent. of our exports are to that area, we are directly affected by low growth in the European Union. Therefore it is not a source of celebration when neighbouring countries grow slowly: it is a source of worry and anxiety for the British economy. Because Germany has barely grown in four years, Italy is now in recession and France and the Netherlands are growing slower than Britain, it means that our four major importers in the euro area are experiencing real difficulties.

We must produce policies for greater growth in the European Union as a whole, and that is why we put forward the proposals this morning, first, to speed up the internal reforms in the single market, including competition investigations; secondly, that Europe should make progress in the trade talks so that we end the costs of agricultural protectionism; and thirdly, that we reform the social model in the European Union, so that instead of having 20 million unemployed, we get people back to work. I hope that we will have all-party support for those proposals.

Dr. Vincent Cable (Twickenham) (LD): As the Chancellor blames the OPEC oil producers for the sharp slowdown in the economy, to half the Treasury forecast, how does he explain the independent analysis of bodies such as the National Institute of Economic and Social Research, which has shown that less than a quarter of the slowdown is attributable to that source? The vast majority of the problem is home grown, caused by weakness in private investment and nervousness among private consumers about their large levels of personal debt and the possibility of the housing bubble bursting.

Mr. Brown: If the problem was as home grown as the hon. Gentleman suggests, why is Germany growing slower than us, France growing slower than us, Italy growing slower than us and the Netherlands growing slower than us? Why is it that the European Union is growing far slower than us, and Japan, Australia and New Zealand are growing slowly? Why are other countries around the world facing difficult situations? One reason is, of course, rising oil prices, but a second reason—affecting Britain directly—is low growth in the European Union. Interest rates were raised four times last year, so we slowed down the growth of consumer spending. I believe that the Bank of England made the right decision, and the housing market has moderated as a result. Some people, including the Liberal Democrats, predicted a house price crash, which has not happened.

The hon. Gentleman should say now what he has said previously, when he applauded our record of creating stability in the economy. I certainly will not take up the policies of the Liberal Democrats. They dropped their tax rise proposals at their conference last month, but kept all their spending proposals. *[Laughter.]* Oh, yes. Their home affairs spokesman wanted more money spent on prisons. The dentistry spokesman wanted more money spent on dentistry. The health spokesman wanted more money spent on health, and then the junior health spokesman wanted more money spent on mental health. Far from reducing their spending commitments, the Liberal Democrats have increased them—with no money to pay for any of them.

Ian Lucas (Wrexham) (Lab): In north-east Wales, Airbus UK recruited 115 apprentices this year to work in British manufacturing industry. Those apprentices will have the opportunity to secure an aerospace degree by working with the local Deeside college and the North East Wales institute of higher education. Is not that an excellent example of the success of UK manufacturing industry and of the UK economy?

Mr. Brown: I am grateful to my hon. Friend. He mentions a factory that I have visited in the last few months, and he is absolutely right that the number of apprentices in the British economy is increasing in a way that nobody could have foreseen a few years ago. When we came to power, apprenticeship was almost dying out as a means whereby young people got a trade or profession. We are now in a situation where in the next years about 300,000 young people will be taking modern apprenticeships. That bodes well for the future of the British economy, but we are not complacent and we must do better. We want more young people to have chances, especially in some of the regions where unemployment is higher. Again, I hope that there can be all-party support for the investment in education and apprenticeships that is necessary for the future of our economy.

Mr. George Osborne (Tatton) (Con): For months the Chancellor of the Exchequer stubbornly stuck to those growth forecasts when everyone was telling him that he was wrong. Productivity growth has slumped and business investment is at a record low; indeed, the British economy is growing slower than the average for other developed economies in the world. Could the Chancellor of the Exchequer tell the House when he knew that he had got it all wrong?

Mr. Brown: The shadow Chancellor has got it wrong. The British economy is growing faster than Germany's,

faster than France's, faster than the Netherlands' and faster than Italy's. The British economy is growing faster than the EU's. I have just explained the circumstances in which higher oil prices have caused the difficulties that all economies face. What the shadow Chancellor had better look at is the fact that since the general election he has had only one policy proposal: a flat tax, which would mean that £50 billion would be cut from public expenditure. Can he tell the House how that could possibly aid the British economy in its present situation?

Mr. Osborne: After the mess that the Chancellor has made of our tax system he should listen to the tax reform commission, because it includes the director general of the British Chambers of Commerce, the person who advises the Chancellor on tax reform for low-income people, the former president of the Chartered Institute of Taxation and indeed the person who is helping him with his tax simplification process. I will send him a copy of the report when it is published. In the meantime, as he is lecturing other European economies about reform, will he explain why we are adopting European levels of taxation and regulation in the UK? Why are we becoming less and less competitive in a more competitive world? Why have we fallen from fourth to 13th place in the world competitiveness league, and why is this 20th-century Chancellor running out of ideas for the 21st century?

Mr. Brown: We have just been praised by the Organisation for Economic Co-operation and Development for having the most stable economy in the G7. In fact, the words used by the OECD were that we are a "paragon of stability". If the Conservative party, which ruined the macro-economic policies of our economy with 15 per cent. interest rates and two recessions during the last 18 years, will not begin to apologise for the mistakes the Conservatives made when they were running the economy, I do not believe that a serious debate about economic policy is possible.

Will the shadow Chancellor confirm that his proposal for a flat tax would mean, if implemented on the Adam Smith Institute proposals, a £50 billion cut in public expenditure? How can he possibly think either that it is fair to the British people that a millionaire pays the same rate of tax as a nurse, or that he could ever afford public services on that basis? I remind him that he is currently campaigning for more money for his local hospital.

Child Poverty

4. **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): What steps the Government are taking to reduce child poverty. [17040]

The Paymaster General (Dawn Primarolo): The Government have committed to halving child poverty by 2010 and to eradicating it in a generation. Between the mid-1970s and mid-1990s, child poverty more than doubled and in 1997 it was higher in the UK than elsewhere in Europe. Through the new deal, the minimum wage, tax credits and public services we have already lifted more than 500,000 children out of poverty. Last summer, the child poverty review set out a strategy to lift another million children out of poverty by 2010–11, helping more people who want to work find work, making work pay, providing financial support to help all families with the cost of bringing up children, giving the most to those who need it most, building on the success of Sure Start with our children's centres and the 10-year child care strategy, and investing in children's future, so that by 2007–08 total funding for schools will be 60 per cent. higher in real terms than in 1996–97.

Jim Dobbin: The Government have an impressive record in alleviating child poverty, but some areas must still be tackled. In Northern Ireland and Wales, means-testing for families with disabled children has been abolished. That is not the situation in England, where families face huge amounts of debt when they are trying to improve their homes with adaptations. When will the pending review be completed, so that we can have a level playing field for children in England? Will the Treasury support those proposals?

Dawn Primarolo: Clearly, poverty reduces the life chances of children and harms their ability to realise their potential. I hear what my hon. Friend says about the review that is being undertaken. I cannot give him the date today, but I will certainly look into it. However, I remind him that the help from tax credits, which is additionally and specifically targeted on families with disabled children, is the most effective route out of poverty, through work and with the support of public services.

Mr. David Laws (Yeovil) (LD): Does the Paymaster General agree that trying to achieve the child poverty targets is not being aided by the unnecessary recovery of child tax credit payments? Can she explain why the undertaking, made by the Chief Secretary in the House of Commons on 12 July this year, has not been delivered? That undertaking was specifically not to recover overpaid tax credits until an assessment has been made about whether they should be recovered under the code of practice—in other words, one of the recommendations that the parliamentary ombudsman made in June. Why has that promise not been kept?

Dawn Primarolo: I do not agree with the hon. Gentleman. I do not believe that the recovery of tax credits where they have been overpaid is harming the Government's objective of reducing child poverty. Indeed, it is refreshing—he should congratulate us on this—that the Government are not only committed to reducing child poverty, but are taking steps to do so. All the information that there is a growth in income, either before housing costs or after, shows that the Government are achieving growth with fairness and that the bottom two-fifths of the income distribution are growing the fastest, thus tackling poverty.

On the hon. Gentleman's point about where people have ended the year earning more than they originally told the Revenue, and therefore have an overpayment, I told the House that I had asked Her Majesty's Revenue and Customs to investigate the ability to suspend recovery during payment disputes. That investigation is continuing, and I soon as I can inform the House about how and when such things will be done, I will do so.

Ed Balls (Normanton) (Lab): In the light of Monday being the UN international day for the eradication of

poverty, will my right hon. Friend reaffirm the Government and Treasury's commitment to the abolition of UK child poverty in this generation? Does she agree that we can learn important lessons from the success of the Make Poverty History campaign in meeting our international and UK goals? That could involve building a widespread national and even cross-party coalition for the abolition of child poverty in the UK.

Dawn Primarolo: I welcome the campaign that is building up in the UK not only to make poverty history for the developing countries, but to address the separate campaign on ending child poverty in the UK. I certainly agree with my hon. Friend that we need all political parties to become committed to and to actively support the eradication of child poverty, not just to wring their hands and say how awful it is. So they must understand that we have a flexible labour market, that there are lots of challenges in the global economy, and that tax credits with flexibility are the way forward.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): Tax credits are indeed a key weapon in the Government's armoury in the fight against child poverty. The right hon. Lady said in February that the tax credits system was

"stable and performing . . . well".

She said in June that for a

"huge majority of families . . . the system is working".

Yet on the latest available figures, 43 per cent. of tax credits are wrongly paid. The Government have said that they will not seek to recover overpayments where recipients could not reasonably have known that they were overpaid, but is not the real problem that the system is so complex that recipients simply do not know what they are supposed to receive and therefore cannot tell whether they have been overpaid? What proposals have the Government not merely for administrative tinkering but for a fundamental review of the system to make it simpler and fairer, so that we do not end up with the ludicrous system of £1.9 billion being overpaid every year and most of it having to be written off?

Dawn Primarolo: As the hon. Gentleman knows, millions of people are receiving the correct amount of tax credits. As he also knows, a significant proportion—more than half—of the amount that he quotes has been paid to families whose income grew in excess of £10,000 a year. In a flexible labour market in which people move in and out of work and in which we have the challenge of eradicating child poverty and supporting people into work, the problem that he must address is whether there is an alternative. Is he prepared to help families in those circumstances, which means flexibility, or does he want to abolish the system?

Debt Relief

5. **Ben Chapman** (Wirral, South) (Lab): If he will make a statement on the decision of the International Monetary Fund and the World Bank to write off national debt for the poorest countries. [17041]

The Chancellor of the Exchequer (Mr. Gordon Brown): In Washington, I was privileged to chair the critical meeting of the IMF that secured agreement from the IMF and the World Bank which confirmed for the first time multilateral debt relief for up to 38 of the world's most indebted countries at a full 100 per cent. This will mean $55 billion of debts potentially being written off.

I would also like to tell the House that, in the light of the tragedy in south-east Asia, we will be pressing upon the G20 this weekend the urgency of financing a new disaster response fund to which Britain is prepared to contribute up to $100 million a year and, for reconstruction in areas that are ravaged, a new IMF facility to help countries hit either by natural disasters or commodity shocks. My right hon. Friend the Secretary of State for International Development is offering a British contribution to this also, and we call particularly on oil-producing countries to make generous contributions to this fund.

Ben Chapman: In congratulating my right hon. Friend on the role that he has played in securing debt relief for the poorest countries of the world and in the achievements of the IMF and World Bank annual meetings, may I ask him what plans he has to ensure that the massive benefit gained by the poorest countries is used in a way that provides for sustainable prosperity in the future? What plans does he have to make sure that the countries not participating now also participate in the future?

Mr. Brown: I am grateful to my hon. Friend and to all others on both sides of the House who have been involved in the campaign for debt relief for many years. The potential for both bilateral and multilateral debt write-off is $170 billion, the biggest debt write-off that has ever taken place. It is a tribute to the efforts of people all over the world, including the Churches and faith groups, that that has happened. We are determined to ensure that the money from debt reduction goes to poverty reduction, and particularly to health and education, and that is why countries have to sign up to poverty-reduction plans.

Equally, Britain is not satisfied that the list should stop at 38 countries. There are more countries that are poor by any definition of the word and they need help with the debts that they have incurred. That is why we will unilaterally service our share of the debts for another 40 countries, making 80 countries in all receiving debt relief from Britain. We will now call, as I will this weekend at the G20, for other countries to follow us in doing so. Although we have succeeded in getting 100 per cent. debt relief for up to 38 countries, the work still goes on to ensure that debt reduction goes to poverty reduction and also to ensure that other poor countries get the benefit of this system.

Mr. Richard Spring (West Suffolk) (Con): I very much welcome these decisions and recognise that dealing with third-world debt and economic sustainability is a long-term issue that must continue to be supported by public opinion, but to what extent do the countries receiving debt relief have to comply with criteria for good governance and transparency in spending the money?

Mr. Brown: That is exactly what we have been trying to achieve. If the hon. Gentleman has read the IMF communiqué and, before that, the G7 communiqué, he will know that their emphasis was on avoiding the corruption that had been a feature of some regimes in recent years. We want to move from conditionality being imposed by rich countries on poor countries to proper accountability of the rulers to their people in those countries. The transparency that is achieved through that will be the best safeguard against corruption.

Yes, an anti-corruption drive is part of this, but we will also push further to ensure that the money actually goes to health and education. The hon. Gentleman should be encouraged that, of the countries that have received debt relief in the past few weeks, Mozambique has announced that money from debt relief will go to health and education, Tanzania has announced that it wants to complete its programme of making primary and secondary education free for its school children, and other countries have announced that they want money to go to infrastructure. The progress that has been made both by the international community and within the countries to ensure that there is an environment that does not tolerate corruption, insists on transparency and ensures that debt relief goes to poverty reduction is something that we should applaud and continue to monitor.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): The Chancellor will be aware of the trade justice early-day motion that was tabled this week which referred to the worthy aims of fair trade and the elimination of poverty. He will also realise that a lot hangs on the World Trade Organisation talks in Hong Kong and, not least, economic reform in Europe with the bloated common agricultural policy programme. What measures does he have for me to take to a trade justice campaign meeting on Friday so that I can reassure my constituents that the Government are on the right track to ensure that poverty is eliminated and becomes a thing of the past?

Mr. Brown: My right hon. Friend knows that, although $50 billion to $60 billion is paid in aid, the rich countries give $300 billion in agricultural subsidies to their industries, which harms the industries of poor countries. What is gained through debt relief and aid could be lost if we do not get a proper trade agreement in Hong Kong in the next few weeks. There are only eight weeks to go until the vital Hong Kong discussions, but I do not think that we will get a final agreement that works if we wait until people arrive in Hong Kong. There should now be urgent discussions between the European Union and America to reconcile what differences remain. Europe should respond positively and enthusiastically to the offer made by America only a few days ago on the elimination of export subsidies and the reduction of tariffs. Europe and America should go to Hong Kong with the common position that, by 2010, we will eliminate export subsidies, reduce the tariffs that are charged and open our markets finally to developing countries so that they have the benefit of trading with us at prices that will allow them to have industries that flourish.

Tax Credits

6. **Anne Main** (St. Albans) (Con): What assessment he has made of the level of overpayment of tax credits in the last 12 months. [17042]

9. **Tim Loughton** (East Worthing and Shoreham) (Con): How many cases of child tax credit overpayment have been reported since the credit was introduced; and what amount of overpayment has been written off. [17045]

The Paymaster General (Dawn Primarolo): Estimates of numbers and values of overpayments or underpayments for the 2004–05 awards will not be available until family circumstances and incomes for 2004–05 have been finalised. Her Majesty's Revenue and Customs statistics that were published on 1 June for 2003–04 show that 1.9 million families had been overpaid by a total of £1.9 billion, as recorded on the system on 5 April 2004. Subsequent backdated payments in respect of 2003–04 awards brought the total value of overpayments for that year to £2.2 billion. The figures for 2004–05 will be available next spring.

Anne Main: I am afraid that the experience of my constituents, Mr. and Mrs. Keys, means that they agree with the Citizens Advice report of June that there has been a completely unacceptable error in the system, so I want a simple yes or no answer from the Minister. Mr. and Mrs. Keys were overpaid, but there was an error because they believed it was money with their names on it, yet it was grabbed back, which left them severely financially impoverished. They believed that they had been paid the money genuinely, so they genuinely spent it. The money has now been reclaimed, so will the Minister assure me—yes or no—that Mr. and Mrs. Keys and the thousands of other families in their situation will be able to reclaim retrospectively the money that she grabbed back from them?

Dawn Primarolo: The answer is yes. I will take the hon. Lady's representations, if she sends me the details, and give her a clear answer on her individual case.

Tim Loughton: If the Paymaster General were the finance director of a company that last year had overpaid its dividend by about £2 billion—representing a sixth in additional money—and had then told recipients that it was perfectly okay for them to spend that money, but subsequently had to write menacing letters to those people to say that they must pay the money back, even though that threatened them with dire financial circumstances, does she think that she would be entitled to keep her job?

Dawn Primarolo: As the hon. Gentleman knows—we have gone through the figures already this morning—those who notified the HMRC that their income grew by £10,000 a year or more and received more tax credits than they were entitled to will have been asked to make a repayment. He also knows that, where there is official error on behalf of the HMRC, there is the question of whether the amount can be written off. Finally, he is aware that, for those who are in hardship, there can be additional payments. If a company were as flexible and

as direct as the Government in supporting those in the labour market, my right hon. Friend the Chancellor would be able to claim an even greater victory.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): My right hon. Friend will no doubt be aware that, in my constituency, about 8,000 families are benefiting from the new tax credit system. As a result, many thousands of families can now take jobs. Does she agree that, when Opposition Members lament the situation in which some families face hardship through overpayment, those tears are from a party that would scrap policies that have lifted 2 million children out of poverty? Are they not crocodile tears?

Mr. Speaker: Order. The Minister will comment only on the tax credit situation.

Dawn Primarolo: I thought you might say that, Mr. Speaker, so I shall concentrate in my response on saying how much I agree with my hon. Friend. His 8,000 constituents and many of our constituents are benefiting significantly from tax credits. They have been allowed to see an earnings growth of £2,500 before they have to notify any change in their circumstances. We all know that, while there are difficulties in the system, the system is working very well for the vast majority.

Rob Marris (Wolverhampton, South-West) (Lab): I urge my right hon. Friend to stick to her guns on tax credits. The system is benefiting about 7,300 families in my constituency. Will she reassure the House and outline some steps that are being taken by her Department to assist those who have difficulties in unscrambling the paperwork? Sometimes there seem to be rather large backlogs. What steps are being taken in that regard?

Dawn Primarolo: As my hon. Friend will know, I laid out clearly to the House, in six specific areas, how to ensure improvements in the administration of tax credits. As he acknowledges, those changes will improve the system. The policy point that all parties must address is that it is important to recognise that the system before tax credits was widely criticised as inflexible. It did not offer support in bringing people into work and it did not support families by giving most to those most in need. The question is whether we have a flexible system that is delivering our anti-poverty targets and helping people into work. The answer is yes. The challenge is to get the administration right.

Mr. Charles Walker (Broxbourne) (Con): Would not the best way of helping poor families be to lift the threshold at which people start paying tax? If there were a loss of revenue, perhaps we could fund the system by slimming down the Treasury, starting at the Treasury Front Bench and working our way backwards.

Dawn Primarolo: I am happy to speak to the hon. Gentleman privately to explain to him how the tax system works and the way that allowances benefit the wealthy more than the less well-off.

As the hon. Gentleman well knows, tax credits are a way of ensuring that the most goes to those in greatest need. Nine out of 10 families benefit from this system. He needs to consider how we should support families, how we ensure that they can rise to the challenge of a flexible labour market and how we support them in work while ensuring that we eradicate child poverty and make sure that families can reach their full potential. There is no answer to those questions from Conservative Members.

Angela Eagle (Wallasey) (Lab): It sounds as if my right hon. Friend already knows, but may I caution her not to take the Conservative party's advice on tax credits? We should remember that people have to be in work if they are to benefit. The solution of the hon. Member for Broxbourne (Mr. Walker) would help only the rich. Will she keep in perspective what is happening in my constituency, where 12,500 children are benefiting? Although there are difficulties, which the Department is working out when they are brought to her attention, will she persist and realise that tax credits often give lone parents their first opportunities in many years—opportunities that the Conservative party never gave them—to earn their own living and to look forward to making progress in life, instead of rotting on the benefits on which they were left by the Conservatives?

Dawn Primarolo: Indeed. As my hon. Friend will know, employment for lone parents is rising from the appalling rate that we inherited from the previous Government. It is 55 per cent., so we are on the way to the target of 70 per cent. Parents, including single parents, constantly tell us that they want the opportunity to balance their family responsibilities with paid employment. The only way to do so is with a flexible system that supports them when their income drops and makes sure that an increase of over £2,500 in their salary does not cause an overpayment. My hon. Friend rightly said that the most important thing is to keep the principles in sight but drive down the administration, because tax credits should be right first time. That is our objective.

Mr. Mark Francois (Rayleigh) (Con): As the Minister has already admitted, overpayments have now affected nearly 2 million British families. Only two weeks ago, the National Audit Office had to qualify HMRC's most recent accounts of continuing tax credit problems. When will Ministers stop tinkering and get to grips with genuine reform of the tax credit system, which is over-complicated, poorly administered and a cause of genuine misery—*[Interruption.]*

Mr. Speaker: Order. I will not allow the hon. Member for Wallasey (Angela Eagle) to shout across the Chamber when she has made a contribution herself. It is bad manners.

Mr. Francois: Thank you, Mr. Speaker. As I was saying, when will Ministers get to grips with genuine reform of the tax credit system, which is over-complicated, poorly administered and causing misery to many families? It is time for action.

Dawn Primarolo: The hon. Gentleman clearly does not understand how in certain circumstances an overpayment can arise when income increases over the figure declared to the Department by more than £2,500. He has still not addressed the fact that a fixed system will not support the objectives in a flexible labour market of eradicating child poverty and supporting people into work. The question is whether the hon. Gentleman supports those objectives. I agree that it is important that the system is accurate and delivers the money at the correct level from the first payment. However, it should maintain its flexibility so that, if people's income falls, they can be supported, and, if it rises by more than £2,500, they notify HMRC to prevent overpayment.

Retail Banking

7. **Kerry McCarthy** (Bristol, East) (Lab): What steps he is taking to monitor the performance of the retail banking sector in providing basic bank accounts. [17043]

The Financial Secretary to the Treasury (John Healey): The Government's joint goal with the banks, which we set at the pre-Budget report last year, is to halve the number of adults in households without a bank account, because they lose out both financially and socially. We want to make significant progress within two years, which is why the Chancellor has set up the financial inclusion taskforce to monitor progress towards that goal and to report on what more needs to be done.

Kerry McCarthy: Is the Minister aware that, although some of our banks and building societies have embraced that agenda, there is clear anecdotal evidence that other institutions have tried to offload that responsibility by, for example, telling potential customers that they do not have the forms or staff available to process the accounts? Does he agree that it is disgraceful that some of our most profitable institutions are seeking to evade their responsibility, and can he assure me that steps will be taken to ensure that all our banking institutions have a responsibility to provide basic bank accounts for people on low incomes?

John Healey: Sixteen banks offer basic bank accounts to their customers and I welcome my hon. Friend's interest and that of the Treasury Committee, on which she serves. Some 2.8 million adults live in households without access to bank accounts. The British Bankers Association produces quarterly figures on the number of basic bank accounts, which show that nearly 1.4 million have been opened in the past couple of years. We have set up the taskforce to examine the issues raised by my hon. Friend and to monitor progress. After two years, we will assess what more needs to be done and take decisions based on the taskforce's recommendations.

Susan Kramer (Richmond Park) (LD): Is the Financial Secretary aware that a significant number of people in my constituency do not have bank accounts? People are discouraged by the paperwork that is required to open a basic bank account, which includes utility bills and certification by a professional. Does the Financial Secretary agree that such checks should be used to regulate questionable large financial transactions and to identify fraud? Using such checks on basic bank accounts is like using a sledgehammer to crack a very small nut, and it discourages people who need easy and regular access to the financial services industry.

John Healey: The hon. Lady may not know that the revised banking code covers basic bank accounts, so I shall take the trouble to send her a copy, which she may find interesting. Given her concerns about her constituents, she will appreciate the importance of the £120 million contribution to the financial inclusion fund, which my right hon. Friend the Chancellor launched last year. The fund is designed to improve access not only to bank accounts and banking services, but to affordable credit and face-to-face money advice, which is an important service for our constituents.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): When my hon. Friend examines individual bank accounts, will he talk to the banks about people who have an individual account and who want to start a small creative or innovative business? We are all in favour of the money-laundering laws that make it difficult for people to manipulate money from drugs, fraud and organised crime, but more and more of my constituents are telling me that it takes a long time to get a bank account, which makes it difficult to start a business.

John Healey: My hon. Friend takes an active interest in the subject, so he may be interested in the quarterly figures published by the British Bankers Association, which cover not only the number of basic bank accounts opened each quarter, but the number of basic bank account holders who go on to take up fuller banking services. On money laundering, I hope that all hon. Members understand why the provisions have been introduced. The anti-money laundering regime includes some high-level requirements, and the guidance notes for implementing those requirements are being revised to take account of disadvantaged groups.

Investment and Savings

10. **Bob Spink** (Castle Point) (Con): What the levels of *(a)* investment and *(b)* savings were in (i) 1997 and (ii) 2004 as a proportion of gross domestic product. [17046]

The Chief Secretary to the Treasury (Mr. Des Browne): In real terms, investment has risen by 32 per cent. since 1997. In nominal terms, the investment to GDP ratio was 11.5 per cent. in 1997 and 9.5 per cent. in 2004, mainly due to prices of investment goods falling relative to the general price level. Total UK gross saving as a share of GDP at nominal prices was 16.8 per cent. in 1997 and 14.8 per cent. in 2004.

Bob Spink: Why has the savings ratio halved? Is it the Chancellor's tax on pensions, increased national insurance contributions or the burgeoning public debt, or is it all three?

Mr. Browne: The savings ratio has not halved: the hon. Gentleman's arithmetic is wrong in that respect. He asks me why the savings ratio has reduced. It has of course reduced in other countries too, principally in our international competitors. He suggests that the reduction in the savings ratio reflects a wider measure of wealth in the economy, but it does not. Total household assets in the UK have risen by around 50 per cent. in real terms since the beginning of 1997.The savings ratio is lower now because of the stability that we have created in the economy. Households have reduced precautionary savings because the fear of unemployment has been reduced, as has the fear of inflation.

Andrew Miller (Ellesmere Port and Neston) (Lab): My constituency, like that of my hon. Friend the Member for Bolsover (Mr. Skinner), has seen a massive transformation over recent years. That is partly because of massive investments that have occurred as a result of macro-economic stability. Does the model that the Treasury uses enable it to look at what would have been the case had we not had that that macro-economic stability?

Mr. Browne: What my hon. Friend has experienced in his constituency has been experienced across the UK. Business investment is shown to have risen to record levels in quarter two, having more than made up for the cyclical weaknesses seen between 2001 and 2003. Annual business investment growth has been positive for six consecutive quarters. Business investment rose by 3.4 per cent. in 2004, which is its strongest rate of growth since 2000.

Mr. Philip Hollobone (Kettering) (Con): We may have the fourth largest economy in the world, but according to the World Economic Forum, Britain's savings ratio is now 98th out of 117 countries around the world. It also says that that is damaging Britain's economic performance. Does the Minister agree?

Mr. Browne: I do not agree with the hon. Gentleman, for the reasons that I gave in my answer to the hon. Member for Castle Point (Bob Spink). If the figures that he quotes are accurate—I do not have access to them at the moment—America must be 117th.

Immunisation

11. **Mr. Jim Cunningham** (Coventry, South) (Lab): If he will make a statement on the international finance facility for immunisation. [17047]

The Chancellor of the Exchequer (Mr. Gordon Brown): I should like to inform the House that the international finance facility for immunisation has been launched by the UK, France, Italy, Spain and Sweden. With the backing of the Gates Foundation, it will provide an additional $4 billion over the next 10 years for vaccination against some of the deadliest diseases in the world's poorest countries. It is estimated that, through this facility alone, the lives of 5 million adults and children will be saved.

Mr. Cunningham: What is my right hon. Friend doing to encourage the United States Government to participate in that facility?

Mr. Brown: I am attending a G20 meeting this weekend and, now that the facility has been successfully launched, I shall ask other countries to play a part in its development. We have already added several European countries. I have invited China, South Africa and Brazil to join the facility. I hope that the American Government will back the Gates Foundation, which has already contributed substantial amounts of money to the facility: that is an American contribution. As the figures that I gave the House show, the facility's potential to save lives is enormous.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I congratulate the Chancellor on his work to get the international finance facility up and running. However, we know that the chances of reaching our millennium development goals, particularly in Africa, are fairly slim. We need an acceleration of aid to those countries. How will the IFF will assist in reaching our 0.7 per cent. target for overseas development aid?

Mr. Brown: The IFF is additional money that we are putting in as the British Government, but we are front-loading the expenditures by borrowing on the international capital markets on the strength of our investment. The Gates Foundation has supported it from the private sector, and we now have several countries supporting it from the public sector. In general, we wish to move towards an IFF not only for immunisation but to finance education and general building up of capacity in health care. Anybody who looks at the figures knows that our chances of meeting the millennium development goals depend on front-loading investment over the next few years. That is why I hope that the all-party support for the IFF that we have here will be reflected in growing support from beyond the 50 countries that are already signed up to supporting it.

Pensions Liability

12. **Mr. Michael Fallon** (Sevenoaks) (Con): What he estimates the total public sector pensions liability is. [17048]

The Financial Secretary to the Treasury (John Healey): As was reported to the House last year, the figure stood at around £460 billion in April 2004. Of course, that calculation is based on figures that were published in the 2003–04 resource accounts. Accounts for 2004–05 have still to be finalised and published.

Mr. Fallon: Does the Financial Secretary know that the latest independent estimate places the figure at more than £700 billion? Given that public sector pensions are guaranteed and that the liability is now so large, why does not he come clean and start including the figure on the public sector balance sheet?

John Healey: As the hon. Gentleman knows, the figures that he cites have been produced using very different assumptions and discount rates. What counts is not the construct of the actuaries in creating the figure for public pensions liabilities but how much cash the Government spend each year to fulfil their pension obligations and whether that is sustainable in the long term. We publish that information; it is fully factored into our public finance forecast. We publish it every year in a report alongside the pre-Budget report as part of our long-term public finance report. The hon. Gentleman can study the proper, Government figures alongside the pre-Budget report in due course.

Business of the House

11.30 am

Chris Grayling (Epsom and Ewell) (Con): Will the Leader of the House give the business for next week?

The Leader of the House of Commons (Mr. Geoffrey Hoon): The business of the House for next week is as follows:

MONDAY 17 OCTOBER—Remaining stages of the Transport (Wales) Bill.

TUESDAY 18 OCTOBER—Remaining stages of the Identity Cards Bill.

WEDNESDAY 19 OCTOBER—Opposition Day [7th Allotted Day]. There will be a debate apparently entitled "Government Confusion over Council Tax Revaluation", followed by a debate on emergency preparedness. Both debates arise on an Opposition motion.

THURSDAY 20 OCTOBER—A debate on the Thames Gateway on a motion for the Adjournment of the House.

FRIDAY 21 OCTOBER—Private Members Bills.

The provisional business for the following week will include:

MONDAY 24 OCTOBER—Remaining stages of Electoral Administration Bill.

I should also like to inform the House that the business in Westminster Hall for 27 October and 3 November will be:

THURSDAY 20 OCTOBER—A debate on the report from the Home Affairs Committee on terrorism and community relations.

THURSDAY 3 NOVEMBER—A debate on the twenty-seventh annual report from the House of Commons Commission.

Chris Grayling: I am grateful for next week's business.

I am sure that the Leader of the House accepts that there is much to discuss after the recess. Does he agree that we need early opportunities to question Ministers and debate the things that are going badly wrong in the national health service? May we have an urgent statement from the Secretary of State for Health on the financial crisis that affects many primary care trusts around the country? I am sure that the Leader of the House knows that vital services are being cut in many places, including mental health services in Oxfordshire, services to the elderly in Surrey and even operations for children at Great Ormond Street.

May we have a statement from the Chancellor of the Exchequer about his strategy for getting value for money for taxpayers? Will he explain in particular why the NHS is cutting services in many parts of the country when overall NHS funding is rising fast?

Has the Leader of the House seen early-day motion 752, about the Government's programme of hospital closures?

[That this House recognises the excellent service provided by community hospitals in affording locally accessible healthcare; deplores the current programme of closures that conflicts with the Government's commitment to community hospitals given in its 2005 manifesto; notes the strength of public opinion in favour of community hospitals; recognises that the cost of treating a patient in a community hospital is often significantly less than the cost of similar treatment in a district general hospital; further notes the potential loss to the NHS of dedicated staff when a community hospital closes; further notes that bed blocking in large acute units is exacerbated by the absence of step-down care; and calls upon the Government to conduct a review of closures and to recognise the potential for community hospitals to carry forward its plans for locally delivered healthcare.]

Will the right hon. Gentleman provide an early opportunity in Government time to debate that early-day motion so that he and his colleagues have a chance to explain why, having given a commitment in their manifesto to support community hospitals, they have decided to close them instead?

Does the Leader of the House agree that the Public Accounts Committee should conduct an inquiry into why many NHS facilities, such as Bolingbroke hospital in Wandsworth and Westbury hospital, are being downgraded or closed soon after expensive upgrading programmes?

Will the right hon. Gentleman provide for a debate in Government time on the cost to the taxpayer of regular Government reorganisations? I am sure that he remembers the Government, shortly after coming to power in 1997, scrapping county-wide and regional health authorities and creating the smaller primary care trusts and strategic health authorities. Now, things are coming full circle. The authorities are all being merged to recreate the same bodies that the Government scrapped eight years ago. May we have a debate on why that is good value for taxpayers' money?

Mr. Hoon: The hon. Gentleman obviously has not spent his summer recess productively or usefully. I would have been delighted for him to accompany me to see the remarkable changes that extra spending on the NHS is delivering throughout the country. I would be very pleased if the shadow Leader of the House came to Ashfield, where he would see plans for a remarkable new hospital. I have seen those plans for myself, and I know that similar plans are being replicated right across the country. That is the result of the extra spending that the Government have put into the national health service since 1997. That extra spending was desperately needed because of the underfunding by the previous Conservative Government.

Regarding the Chancellor of the Exchequer, we have just had an hour of questions to the Chancellor. I am surprised that the hon. Gentleman has not organised his Back Benchers more effectively to raise the issues that he mentioned at such times. However, I am confident that the Chancellor has no difficulty in dealing with these rather poor questions about funding. It is absolutely clear that this Government are investing more in the national health service than any previous Government in history. That is the message that the hon. Gentleman needs to understand. If he would like me to, I will

[Mr. Hoon]

organise a programme of visits for him, so that he can see the excellent work that is being done right across the national health service.

Keith Vaz (Leicester, East) (Lab): As my right hon. Friend will know, we are now half way through our presidency of the European Union. Will he find time for a debate on the progress that has been made during our presidency, particularly on the decision to open talks with Turkey—we had a statement on that from the Foreign Secretary this week, but these are substantial issues—on progress with Croatia, and on the progress with the EU budget? At the end of our presidency, there will be a debate on what has happened during it, but would it not be a good idea to have it while the presidency is ongoing?

Mr. Hoon: My hon. Friend and I have both had the privilege of being the Minister for Europe, and we know how difficult negotiations can sometimes be in the European Union. I would like to take this opportunity to congratulate my right hon. Friend the Foreign Secretary, on behalf of the European Union, on succeeding in the negotiations on 3 October in respect of Turkish membership and in relation to Croatia, as he set out in his statement to the House the other day. I shall give some thought to my hon. Friend's suggestion about a debate on Europe before the end of the presidency. As he said, the House always has such a debate at the end of a presidency, and I anticipate that my right hon. Friends the Prime Minister and the Foreign Secretary will keep the House up to date on developments such as those that arise from the informal summit that will take place shortly. However, I will certainly bear in mind my hon. Friend's suggestion.

Mr. David Heath (Somerton and Frome) (LD): I make no apologies for asking yet again whether we can have a debate in Government time on Iraq. Despite the welcome statement from the Ministry of Defence on Monday, there remain huge political questions about British involvement in Iraq and the military consequences of that. It is quite extraordinary that this Parliament has not yet had the opportunity to have a debate on this key subject while our Army is in the field.

May we also have a statement or a debate on the preparedness of this country to deal with avian flu, particularly the lethal H5N1 strain that is now developing across large parts of the world bordering Europe and has the potential to become a pandemic? We need to know whether we are fully prepared, and the degree of international co-operation in which we are engaged, in order to avoid what could be an extremely serious threat.

Lastly, could we have a debate on the new ministerial code? I note, having read it with care, that it says that

"every effort should be made to avoid leaving significant announcements to the last day before a recess."

On 21 July, the last day before the longest recess that many of us can remember, we had no fewer than 63 written statements—including the statement that published the ministerial code. Did the recess come as a surprise to Government Departments?

Mr. Hoon: Certainly, I agree with the hon. Gentleman that there are significant military and political questions arising in relation to Iraq. That is precisely why my right hon. Friend the Secretary of State for Defence took the first opportunity available to come to the House and make a statement on that question. We are looking forward to the referendum taking place in Iraq. Its political implications will be considerable, whichever result emerges. Obviously, we are hoping for a positive endorsement of the constitution but, equally, we shall have to recognise that if it is not supported, that is what happens in democracies. There would then have to be a consideration of how to take forward that difficult question.

The hon. Gentleman raises the important subject of preparedness for avian flu. I shall certainly ask the Secretary of State with responsibility for that matter to write to him to set out the arrangements that are in place.

On written statements, a number of Members on both sides of the House have experience of ministerial life and they will know that Departments are focused on delivering material on Friday afternoons and, indeed, at the end of a Session. That is a part of the civil service culture that even this Government have not yet been able to change.

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): Will the Leader of the House ensure that any report from the Cabinet Sub-Committee that is looking at electoral reform is brought before the House for debate, so that the House can quickly come to the conclusion that there is nothing representative about proportional representation? If any Members support proportional representation, perhaps my right hon. Friend will confirm that they can use their European travel allowance to visit Berlin to see it in action?

Mr. Hoon: I recognise that this subject interests Members of the House profoundly and I am sure that my hon. Friend's strong views on it will be taken account of when the consultation paper is published.

Mr. Nicholas Soames (Mid-Sussex) (Con): The House will have been surprised by the response from the Leader of the House to my hon. Friend the shadow Leader of the House in asking for a debate on the health service. Is it not clear that the Leader of the House views these matters with a detachment and ignorance that do not match what is going on in the country? It is clearly true that the Government have invested very substantial sums in the health service, but in the south-east of England there is a major crisis, which our constituents demand should be debated in the House so that the Government may be held to account for the failings that are causing considerable difficulties.

Mr. Hoon: I simply do not recognise the description that the hon. Gentleman has given. The amounts of money available to the south of England are consistent with those being made available elsewhere. Indeed, I have seen figures for the reduction in waiting lists, the improvement in treatment and the investment in wards and hospitals, which is available in the south of England as much as in other parts of the country.

In those circumstances, if the hon. Gentleman or other Opposition Members believe that there should be a debate on the health service, the Government will

certainly welcome the opportunity to set out, as I did earlier, the significant investment that has been made. It is open to the Opposition to use their Opposition days—there will be two such opportunities in the near future—to debate this important question. The Government will be delighted to have such a debate.

Mr. David Chaytor (Bury, North) (Lab): We have just had 60 minutes of Treasury questions during which, for whatever reason, there was not a single question about the most important influence on the health of the British economy, which is the price of oil. Leaving aside the implications of the war in the middle east and the consequences of the hurricane for American refinery production capacity, is there not now a growing consensus that we are rapidly reaching the peak of global oil production? Is it not important that we have a debate about not just the price of oil, but the consequences and causes of the high oil price and the likely trajectory of oil supplies in the years ahead?

Mr. Hoon: If my hon. Friend will forgive me, I shall not forecast the price of oil, or indeed the availability of supplies, but it is clear—I emphasise this—that the Government take very seriously the question of energy. We are urgently looking at alternative sources, both renewable and otherwise, to ensure that this country has the energy available to meet its requirements. That is obviously something that we do, both on our own account through the European Union and globally with other G8 countries.

Mrs. Iris Robinson (Strangford) (DUP): Given the importance that the Government place on education, will the Leader of the House find time for a debate on the serious consequences of cuts in school budgets in Northern Ireland? In particular, primary school principals are having to pay off teachers and classroom assistants, and, even more worryingly, cannot afford to keep on current or replace retiring school crossing patrol personnel, which is the case at Brooklands primary school in my constituency, thus leaving vulnerable children at great risk.

Mr. Hoon: I am grateful to the hon. Lady for raising a specific constituency issue, and I will ensure that my right hon. Friend the Secretary of State for Northern Ireland deals with both that and her general point about education provision in Northern Ireland.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): I am sure that my right hon. Friend will agree that the near trebling of Government funding for affordable housing is very welcome. I should be grateful, however, if he would consider scheduling a debate about the balance of housing, given that in London, and particularly in my constituency of Hackney, there is a severe need for family properties.

Mr. Hoon: Certainly, the Government take seriously the requirement for affordable housing. My hon. Friend will be aware of the efforts made by the Deputy Prime Minister to ensure that there is a determined effort to deal with the various obstacles that have got in the way of providing affordable housing, particularly in relation to planning matters. The Government take that issue seriously, and I know that she takes it equally seriously.

Mrs. Maria Miller (Basingstoke) (Con): Pregnant women in my constituency cannot get 12-week ultrasound scans on the NHS and are being told to get them privately, despite the National Institute for Health and Clinical Excellence issuing guidelines in October 2002 stating that all women should have this service available to them. Indeed, in neighbouring Frimley Park and Guildford, the service is available. I therefore call on the Leader of the House to have an urgent debate next week on the primary care trust funding crisis that we face in places such as north Hampshire, where basic services are simply not available to my constituents.

Mr. Hoon: I do not doubt in any way the concern that the hon. Lady expresses on behalf of her constituents. Indeed, I recognise that it is important that women have that treatment available as is recommended. In one sense, however, she answers her own question by referring to a neighbouring PCT. The question that she should ask is: why is one PCT able to manage effectively the considerable extra budget received in order to be able to deliver this service, while a neighbouring one is not? That might be more relevant than challenging the Government, who are making significant extra spending available.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): May I draw my right hon. Friend's attention to remarks that our right hon. Friend the Foreign Secretary made last night on "Newsnight", which appeared to suggest that British forces in southern Iraq are free under certain circumstances, and with the approval of local commanders on the ground, to operate over the border with Iran? That is a serious matter, which, notwithstanding the statement made by our right hon. Friend the Secretary of State for Defence last week, must be clarified to the House as soon as possible.

Mr. Hoon: I, too, watched "Newsnight" last night, and thought that my right hon. Friend the Foreign Secretary handled a series of extremely difficult and sometimes emotional questions with his usual very considerable skill. I did not interpret his remarks in relation to British soldiers in the way that my hon. Friend does.

Pete Wishart (Perth and North Perthshire) (SNP): Can we have a debate in Government time on the operation and, indeed, the future of the Child Support Agency? It remains the most dysfunctional and chaotic of all Government agencies—we found in the summer recess that for every £1 that it collects, it costs the taxpayer 54p, and that £1 billion of unclaimed maintenance was written off. Surely it is now time to have a root-and-branch reform of the CSA, if not to pull the plug on it.

Mr. Hoon: All Members of Parliament recognise that there are difficulties with the CSA from time to time. All of us, at our routine surgeries and in our mailbags, get regular complaints. Inevitably, we get complaints when problems arise and things go wrong, but that does not

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highlight the way in which the system generally works successfully for most people. Certainly, the Government have taken the matter seriously, and we have reformed significantly the system that we inherited, which was complex and confusing. One of the challenges for the CSA today is to ensure that those older cases are transferred to the new arrangements, because only by having those simpler, more straightforward arrangements can the system work much more effectively for everyone. That is to be taken seriously.

Mark Tami (Alyn and Deeside) (Lab): Has my right hon. Friend read about the excellent "Stamp It Out" campaign launched by *The Sun*? It draws attention to the amount of cruelty to domestic animals in Britain—animals that are tortured and often killed. Is it not time we had a debate in which to discuss how that cruelty can be ended, and how it can be ensured that the penalty fits the crime?

Mr. Hoon: I too saw the front page of that newspaper this morning, and I think that the campaign is extremely important. The pictures were truly shocking and revolting. That is why the Government take so seriously their responsibility to deal with cruelty to animals.

Mr. Stewart Jackson (Peterborough) (Con): I make no apology for repeating the comments on NHS funding made by my hon. Friends the Members for Mid-Sussex (Mr. Soames) and for Basingstoke (Mrs. Miller).

Two weeks ago, 34,000 people—constituting no less than 49 per cent. of all patients registered with NHS dentists in the Greater Peterborough primary care partnership area—were deregistered and told that they could no longer receive NHS treatment. The area crosses my constituency and that of my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara). When will the Leader of the House arrange a proper debate on the enormous crisis that is developing in NHS dentistry? It is having a major impact on poorer families and older people throughout the country, not just in my constituency.

Mr. Hoon: We have been addressing that as a matter of urgency. I apologise for not having up-to-date figures in my head, but the July figures showed that there were about 400 new NHS dentists who were trained as available to the service. That number was expected to increase to 1,000 by the end of the year.

I recognise that there are problems in a number of parts of the country, as does my right hon. Friend the Secretary of State for Health. That is why we are taking urgent action to ensure that new dentists are available to the service.

Mr. Gordon Prentice (Pendle) (Lab): Is my right hon. Friend surprised or concerned at the fact that the Adam Smith Institute has enthusiastically embraced the latest NHS shake-up, saying that it will provide huge opportunities for the private sector? Will he comment on the fact that the proposals were published not on the last day of term, 21 July, but on 28 July?

It would be a scandal if we did not have a proper, considered debate on the huge structural changes that the Government are about to introduce.

Mr. Hoon: I should have thought that my hon. Friend and other Members—indeed, anyone who approves of NHS reforms—would welcome changes that are having a measurable impact on the lives of my hon. Friend's constituents, my constituents and every other constituent in the country. Waiting times are being reduced, the way in which treatment is made available is being improved, and more treatment is being made available in new hospitals and new wards. That strikes me as an outstanding success, and if any organisation welcomes those changes and reforms I shall be delighted to join it in the fold.

Mr. Peter Bone (Wellingborough) (Con): Under the last Conservative Government, there were many NHS dentists in Wellingborough. Under the present Government, my constituents must go out of the county to obtain treatment.

Let me reinforce what other Members have said. May we please have a debate, or at least an answer to the question of why we are not being allowed a debate on a serious policy change that amounts effectively to the privatisation of dentistry in my constituency?

Mr. Hoon: As I made clear in response to an earlier question, the Government have recognised the importance of making NHS dentists available across the country, and have taken urgent action to ensure both more training and more recruitment. I gave the figures earlier, and I do not intend to repeat them, but significantly more dentists are available to the NHS since 1997. Given that picture, I find it puzzling that the hon. Gentleman should persist in suggesting that there is a continuing crisis.

Chris McCafferty (Calder Valley) (Lab): Given the importance that the House ascribes to international development and the work of the Department for International Development, is it not time that we extended the half hour allotted to DFID questions to a full hour, thus giving international development the same status as other Cabinet responsibilities? Will my right hon. Friend look into that anomaly as matter of urgency?

Mr. Hoon: Let me take this opportunity to pay tribute to the tremendous work done in the past few days by officials from the Department for International Development, assisted by Foreign Office officials, in responding to the earthquake in south Asia. They were able to move equipment and people within a very short time to help in the emergency. Certainly no Minister doubts the importance of DIFD's work, and I will consider my hon. Friend's suggestion carefully.

Mr. Andrew Mackay (Bracknell) (Con): During the recess, a major crisis has developed in our prisons. Overcrowding appears to be leading to the early release and tagging of a significant number of prisoners who pose a potential danger to the public and would not

otherwise be released. In those circumstances, is it not essential for the Home Secretary to make a statement in the House very soon?

Mr. Hoon: I expected that question, in view of the publicity given to it this morning.

I still need to identify some practical issues, but I assure the right hon. Gentleman of two things. First, there is existing capacity in the prison system. We have still to establish whether there are specific problems in certain parts of the country as a result of administrative difficulties, but overall there are still places for prisoners. Secondly, no one has been released early as a result of any overcrowding. That simply is not the case.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Does the right hon. Gentleman understand the dismay that will be felt in Lincolnshire at the complacent way in which he has refused to arrange a debate on the NHS? Is he aware that in the hospitals of Lincoln, Grantham and elsewhere in the county, a number of wards are being closed and jobs are being lost? Is he also aware that NHS dentistry has ceased to exist for most Lincolnshire residents?

Mr. Hoon: I simply do not accept the picture that the right hon. and learned Gentleman paints—although I recall Members of the then Opposition before 1997 making precisely the same observations about ward closures. The answer given then was that there had been a significant change in the way in which people were treated, and that is the case now. People no longer spend as much time in hospital as they once did; people are no longer even required to go to hospital for out-patient treatment to the extent that they once were. In such circumstances, it is not surprising that we do not need the same number of wards.

I urge the right hon. and learned Gentleman to look at the figures. It is clear that more patients are being treated and more conditions being dealt with, and that the overall service provided by the NHS has significantly improved.

Julie Morgan (Cardiff, North) (Lab): When may we have a debate on the increasing incidence of tuberculosis in many African countries? When I visited Kenya with other Members, it was shocking to hear of the 16 per cent. annual increase there and the fact that 50 per cent. of cases are not detected, although the disease is entirely curable. That will of course affect achievement of the millennium development goals. When may we have a debate on this important issue?

Mr. Hoon: My hon. Friend is right to raise what is indeed an important issue. I arrived in the Chamber towards the end of Treasury questions. As my hon. Friend will know, my right hon. Friend the Chancellor has launched an important initiative to help developing nations in that regard. It is obvious that the Government take the problem extremely seriously, and I hope my hon. Friend will accept that assurance.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): Should the Government not welcome a debate on the health service? It would enable them to rejoice in the triumph that after eight years the Oxfordshire pain unit faces closure, the mental health trust is about to announce redundancies among consultant psychiatrists, and disabled children's facilities and a ward in the Nuffield orthopaedic centre are to close. It would also give us an opportunity to ask why the strategic health authority's response has been simply to propose the privatisation of service commissioning in Oxfordshire. For the first time that is to be proposed throughout the country, and it is a major issue for patients in Oxfordshire.

Mr. Hoon: I made it clear earlier that the Government would welcome a debate on the national health service. We have a very good story to tell about the extra funding, the continuing reforms and, indeed, the treatment available to the hon. Gentleman's constituents. I have no difficulty in accepting the challenge, and if any Opposition party wishes to table a motion for such a debate, Ministers will be delighted to take the opportunity to set out the record.

Mr. Charles Walker (Broxbourne) (Con): In spring this year, the then Health Secretary told the people of Broxbourne that if they voted Conservative, Chase Farm accident and emergency service would close down. They should have listened to him because they did vote Conservative and Chase Farm accident and emergency is to be closed. Will the right hon. Gentleman bring the new Secretary of State for Health to my constituency, particularly to Cheshunt and Waltham Cross, at the earliest opportunity to explain herself and to reassure my constituents that it has all been a joke and that accident and emergency services at Chase Farm will continue in good health in the near and distant future?

Mr. Hoon: Everyone takes the provision of accident and emergency services extremely seriously, but the hon. Gentleman knows that there are different ways of providing those services and that it is necessary to provide them efficiently and effectively. One of the most important aspects of an accident and emergency service is that it has the necessary back-up available across the medical spectrum in order properly to treat those people who are an emergency. It is no good taking someone to an accident and emergency facility if the support necessary to treat the person properly is not available.

There are a variety of reasons why, from time to time, accident and emergency facilities are required to close. The hon. Gentleman presents an extremely simplistic picture of the overall way in which the health service deals effectively with people.

Mr. Nigel Dodds (Belfast, North) (DUP): May we have a debate on the work of the Assets Recovery Agency and the resources allocated to it? Right hon. and hon. Members will be well aware of the agency's fine work, but does the right hon. Gentleman agree that in tackling the criminal empire of organisations such as the IRA—we have recently seen evidence of the extent of its empire—it is imperative to recognise that it will take not only considerable time but the resources necessary to get to grips with such organisations?

Mr. Hoon: It is fair to say that the allegations made against the gentleman in question caused a great deal of concern. It is also fair to say that once upon a time I was

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concerned about his activities; I shall not go into any more detail than that, but the hon. Gentleman will know what I am talking about. It is indeed important to continue to support the excellent work of the Asset Recovery Agency. The particular incident in question demonstrates how effective it can be.

Sir George Young (North-West Hampshire) (Con): Further to the many questions put by my right hon. and hon. Friends, does the Leader of the House understand that we would happily accept his invitation to join him on a visit to Ashfield hospital to see what is happening in his constituency if he would reciprocate and accept our invitation to come and see what is happening in our constituencies? Has not the Leader of the House detected in the last half hour a growing appetite for a debate on the NHS? Many of us believe that many issues need to be addressed and the right hon. Gentleman believes that he has some answers, so does that not already have the makings of a rather good debate?

Mr. Hoon: The right hon. Gentleman is absolutely right. Even with my rather slow reaction to events, I had noticed that Opposition Members were to some extent co-ordinating their questions on this matter. I congratulate them on increasingly effective opposition—long may it continue.

Mr. Andrew Turner (Isle of Wight) (Con): Four more years.

Mr. Hoon: Yes, at least four more years. I would certainly be willing to visit the right hon. Gentleman's constituency and his local hospital, and I look forward to receiving the invitation.

Anne Milton (Guildford) (Con): I know that I am new to the House, but I am flabbergasted by the expressions of Government Members. The right hon. Gentleman says that he does not recognise what is going on in the health service in the south-east. He goes on and on about how much money the Government are investing, but he appears to pay no attention to what is coming out at the other end. In my own area, the Guildford and Waverley primary care trust now faces a huge budget deficit—

Mr. Speaker: Will the hon. Lady please take her seat? Perhaps because of the time that I have spent in the House, I never get flabbergasted, but I must tell the hon. Lady that she must ask a question. She must put a question to the Leader of the House about next week's business. If she does so, I will allow her to continue—without being flabbergasted.

Anne Milton: My apologies, Mr. Speaker. My question is this: would you like to come down to Guildford so we can open your eyes and show you what is going on? That would take the smile off your face.

Mr. Speaker: I will come down to Guildford one day.

Mr. Hoon: I would not want to get in the way of Mr. Speaker's visit. I have recognised on previous occasions, as now, that there are legitimate questions about the way in which different health authorities allocate their resources. What there can be no question about is that those resources have increased significantly under the present Government. If the hon. Lady would like to debate the allocation of those resources, I have already said that there is every opportunity to do so in the amount of time available to the Opposition for Opposition day debates. If the issue is as important as the hon. Lady says, perhaps she should direct her remarks to the shadow Leader of the House, who has some responsibility for deciding the subjects for Opposition days. He may have noticed that many Conservative Back Benchers want to talk about the health service: they could have done so on Wednesday.

Several hon. Members *rose*—

Mr. Speaker: Order.

Northern Ireland

12.6 pm

The Secretary of State for Northern Ireland (Mr. Peter Hain): With permission, Mr. Speaker, I would like to make a statement about developments in Northern Ireland during the summer recess period. First, however, I know that the House will want to join me in marking, with sadness, the passing of two very significant figures from the Northern Ireland political stage: Mo Mowlam and Gerry Fitt. They were politicians of great courage, passion and, above all, humanity and we all in different ways feel their loss.

On 28 July we saw the statement by the IRA that its leadership had ordered an end to its armed campaign. As I said in my letter to Members at the time, that was important—indeed, historic—but it was crucial that the words were carried through in actions, which had to be independently verified. Two weeks ago, the Independent International Commission on Decommissioning reported that the IRA had placed its arms completely and verifiably beyond use.

Not so many years ago, Unionists and republicans were agreed on one thing at least—that the IRA would never give up its guns and never give up its explosives: "not a bullet; not an ounce". But the impossible has happened and the war machine that brought death and destruction to thousands of people in Northern Ireland, Great Britain and beyond—indeed, to this House—has gone. It is something that all Members of this House have wanted to see happen for many years and that many feared they never would see.

However, immensely significant as IRA decommissioning undoubtedly is, there is more to be done in demonstrating that the IRA has put paramilitary activity behind it for good. The next formal report from the Independent Monitoring Commission, focusing on paramilitary activity, is expected in the next week or so. That will give an indication of whether progress has been made in meeting the equally important requirement for a verifiable end to all paramilitary and criminal activity. As it will only have covered several weeks since 28 July, the two Governments have asked the IMC to produce an additional report in January to reinforce the crucial verification process.

The Government believe that the interests of everyone in Northern Ireland are best served by local decision making through a devolved Assembly. That requires the rebuilding of trust and confidence and we recognise that that will take time. If the IMC reports confirm an end to IRA activity, the time will have come to move the process forward.

The summer also saw a murderous loyalist feud, vicious attacks on the police and Army by loyalist paramilitaries and sickening sectarian attacks, including obscene threats to desecrate graves in Carnmoney cemetery—all of which disfigured Northern Ireland in the eyes of the world. Of course, that outrageous behaviour appalled the overwhelming majority of people in the Unionist community and I greatly welcomed the opportunity to stand with the hon. Member for North Antrim (Rev. Ian Paisley) in his constituency, which had seen sectarian attacks on schools, and join him in condemning such barbarous behaviour. It has taken a long time for the republican movement to acknowledge that violence does not pay. It is high time that the loyalist paramilitaries learned that too. My decision last month to specify the Ulster Volunteer Force/Red Hand Commando sent out a clear signal to those who would persist with that philosophy that they are wrong and that they must stop immediately.

There remains outstanding the question whether a financial penalty should be imposed on the Progressive Unionist party following the recommendation made to me earlier in the year by the IMC. I intend to watch developments carefully over the next few months, in particular the role that the PUP plays in attempting to secure peace and stability in the loyalist community, before reaching a decision on this in the context of the January report from the IMC, to which I referred earlier.

With my deputy the Minister of State, my hon. Friend the Member for Delyn (Mr. Hanson), I have been visiting loyalist communities and meeting community representatives, clergy, teachers and local residents. Where any community has legitimate concerns, we will address them, but it is equally important that there is political leadership to enable those communities to join in the huge progress that Northern Ireland has made in recent years.

The summer also demonstrated beyond doubt that there is one organisation that we can all rely on to uphold the right of everyone to live in peace. Officers of the Police Service of Northern Ireland displayed exemplary courage and professionalism in protecting life and preserving order, despite being attacked with live rounds, blast bombs, petrol bombs and other missiles. We should be under no illusion, following the Whiterock parade, but that loyalist paramilitaries were clearly intent on murdering police officers. Police videos also showed some Orangemen taking off their collarettes and hurling rocks at the police front lines—behaviour that I know that the vast majority in the Orange Order deplore.

Even with those vicious attacks on them—and let us not forget that nearly 100 officers sustained serious injuries in a single weekend—the police remained committed to their task. However, they can be effective only if they receive the support of all sections of the community in Northern Ireland. Time and again, those officers have demonstrated their determination to protect all the citizens of Northern Ireland. It is time that everyone in Northern Ireland—from Sinn Fein to the Orange Order to loyalist communities—acknowledged that and got behind the police to support them in doing their job.

The transformation of policing in Northern Ireland in line with the Patten reforms is one of the great success stories of the Good Friday agreement. It has led to the policing arrangements in Northern Ireland being admired around the world as a model for change. We remain fully committed to that model for the future.

A key element in that success is the role played by the Policing Board. I can tell the House today that I have decided to reconstitute the board from 1 April 2006, with political appointees selected in proportion to the 2003 election results using the d'Hondt formula.

[Mr. Peter Hain]

So what do the months ahead hold for Northern Ireland? The Government will continue to do all that we can to facilitate progress towards restoration, but we hope that all Northern Ireland's politicians will seize the opportunity that this summer's developments present. The Government will also take forward work to implement those aspects of the Belfast agreement where work is incomplete or ongoing. We will, for example, continue to support those bodies and institutions that work for the benefit of Northern Ireland on a north-south, east-west basis.

Some areas of the joint declaration of 2003 were dependent on acts of completion by the IRA. Difficult though some of those will be for some people to accept, there should be no surprises, as the Government have long made it clear that certain developments would follow on from such acts of completion.

First, normalisation: in the 2003 joint declaration, the Government set out proposals to normalise the security profile across Northern Ireland when there was an enabling environment. Following the IRA statement, I published an updated programme, on the advice of the Chief Constable and the General Officer Commanding. I want to assure the House that my first and overriding priority—and that of the Chief Constable and the GOC—remains the safety and security of the people of Northern Ireland. We will not do anything that will compromise that, but the security arrangements that we have in place must be in proportion to the level of threat. The normalisation programme published in August, a copy of which I have had placed in the Library, will see the creation of an environment that will allow the return of conventional policing across Northern Ireland, something which all sections of the community should welcome.

The other commitment set out in the joint declaration was that we would reinvigorate discussions with the political parties on the shared goal of devolving criminal justice and policing. The Government will want to explore the scope for doing that over the months ahead. In the meantime, we will bring forward enabling legislation for later implementation, when there is agreement among the parties in Northern Ireland. We will also take forward plans to appoint a victims commissioner. I very much hope to make an announcement about that shortly, because the many victims of Northern Ireland's troubles deserve much better recognition and support. We will never forget them.

The House will know that we have undertaken to legislate to deal with the position of individuals connected with paramilitary crimes committed before the Belfast agreement, dealing with those suspects categorised as on-the-runs. As the House will recall, the proposals were published alongside the joint declaration more than two years ago, in May 2003. This is not an amnesty: nevertheless, the implementation of those proposals will be painful for many people. I fully understand that, but the Government believe that it is a necessary part of the process of closing the door on violence forever.

Notwithstanding the recent turbulence, huge progress has been made this summer. We need to build on that progress. The people of Northern Ireland have shown remarkable patience and resilience over the years. We owe it to them not to be deflected from doing all that we can to see a peaceful, stable and prosperous Northern Ireland, in which all traditions are cherished and respected. They deserve no less.

Mr. David Lidington (Aylesbury) (Con): First, may I thank the Secretary of State for his statement, and for letting me see a copy earlier this morning? I want to start by associating myself and my hon. Friends with his tributes to Mo Mowlam and Gerry Fitt, who served the people of Northern Ireland and the cause of peaceful and democrat politics there well during their careers.

I also support the Secretary of State's words about the police. The bravery and dedication of the Police Service of Northern Ireland deserve the thanks and support of everyone, regardless of their background and community. Loyalist communities may feel a genuine sense of disillusion today, but that cannot justify sectarian attacks on Catholics. Nor can any grievance, however deeply felt, excuse the sickening spectacle of men bragging about their loyalty to the UK and then hurling rocks at UK police officers.

The IRA statement of 28 July, and last month's report from General de Chastelain, are significant and welcome developments. They represent further steps in the transition of the republican movement from terrorism to democratic and peaceful politics. Will the Secretary of State confirm that, if Sinn Fein wishes to be regarded as a normal democratic party entitled to a role in a power-sharing Executive, republicans must end all paramilitary and criminal activity, as he said, but also carry out an important ideological shift? We are surely entitled to expect that the republican movement must support the police, the courts and the rule of law, and give up the belief, which its members still hold and assert, that the IRA and its army council are the legitimate source of authority throughout the island of Ireland.

Given that the history of terrorism in Northern Ireland stretches over more than 30 years, does the Secretary of State agree that it is not surprising that many people—particularly, but by no means exclusively, in the Unionist community—mistrust the republican movement? The right hon. Gentleman will recall that the Taoiseach said last year that what offended him most about republican tactics was the willingness to turn on and off the tap of paramilitary violence when it suited the movement's political ends. In view of that, what period of time does the Secretary of State believe would be reasonable to test whether the republican commitment to peaceful and democratic politics really is both permanent and irreversible?

The Secretary of State will know the position that my party has consistently taken on the question of terrorists on the run. Can he say now whether the terms of the proposed legislation will actually require an alleged terrorist to appear in court and, at least, shoulder the responsibility for his deeds, or will the whole process take place in absentia? Will such a terrorist be subject to licence, so that he could be recalled if he were ever to revert to terrorism? If not, despite the Secretary of State's words, we are talking about an amnesty in all but name.

I welcomed the Secretary of State's comments at the conference of the Police Federation for Northern Ireland that previous terrorist convictions should

continue to be a bar to service with the police, but how does he regard people who have not been convicted of a terrorist offence but for whom good intelligence and information exists to suggest paramilitary involvement? Will such men and women be able to serve in the PSNI or the PSNI reserve, or as community support officers? Surely the Secretary of State would agree that it would be utterly wrong to hand over the policing of either loyalist or republican areas to men and women who had until recently been active in paramilitary organisations and mafia-style criminal gangs.

Finally, will the Secretary of State comment on so-called community restorative justice in view of media reports in Northern Ireland that Government support for such projects is being urged on him by the republican movement? Will he accept that if restorative justice is to form a part of our criminal justice system—I have no objection to that in principle—it has to rest on the leadership and involvement of the police service and the other institutions of the criminal justice system? Simply to license what have been violent kangaroo courts run by the paramilitaries would not bring about the restoration of peaceful politics: it would be a concession that none of us would wish to make.

Mr. Hain: I agree completely with the hon. Gentleman's last point. There is no way that this Government will view community restorative justice—the hon. Gentleman expressed its objectives well and confirmed his support for its principles—as a licence to hand over policing to paramilitaries or some kind of militia. There is no question of that happening.

I am grateful for the hon. Gentleman's opening remarks, especially his steadfast support for the police, who had a horrendous time especially on 10, 11 and 12 September. Indeed, I visited the police headquarters shortly after that weekend of rioting and saw some of the Land Rovers and talked to some of the officers. Masses of bullets had been fired that penetrated the armour-plating. Repeated attempts had also been made to shatter the armoured glass to kill the officers inside. They are very brave men. The hon. Gentleman's support will be much appreciated by the Chief Constable, Hugh Orde, who gave outstanding leadership.

I agree with the hon. Gentleman that if Sinn Fein wants to join government, it must support the police and the rule of law. One cannot be a Minister, especially in the devolved Assembly that we wish to see established, and not support the police. That would be completely contradictory, and Sinn Fein will have to face up to that, sooner rather than later.

The hon. Gentleman mentioned the distrust felt in Unionist and loyalist communities about the intentions of republicans when they make promises, and I understand that. After all, it is barely a year since detailed discussions were held in which the leadership of the Democratic Unionist party, led by the hon. Member for North Antrim (Rev. Ian Paisley), showed much courage and determination to see whether agreement could be reached. We later learned that as those discussions took place, the Northern bank robbery was being planned and undertaken. I understand the distrust felt, and other examples show that it is understandable. However, we need to move forward and I am sure that everyone—including the hon. Gentleman, and he was fair enough to say so—accepts that the IRA's statement on 28 July was historic. It has to be implemented, of course, but it was a historic statement. The decommissioning announced by General de Chastelain's independent commission on 26 September was also historic and we had never seen anything like it before, but time will be needed to build trust in the months ahead. The hon. Gentleman asks at what point we can be certain that peace will be permanent, and that is the key question. We will have to continue to work at building trust to take the process forward and I am grateful that he will work alongside us in that task.

On the so-called on-the-runs legislation, I shall have to ask the hon. Gentleman to wait for the legislation to be published—I will notify him of that in the usual way—for the detailed matters he raises. However, I wish to stress a couple of points. It will not be an amnesty and it will involve a judicial process—two important principles. Such matters are very difficult. After the Belfast agreement in 1998, many people found very difficult the release on licence of prisoners who had in some cases committed horrendous crimes, whether republican—as they mainly were—or loyalist. The process of ending violence is difficult, and this is a good example of why that is so.

On the subject of policing, I assure the hon. Gentleman categorically that the same criteria will be applied to future recruits to the police, whether as conventional police officers or community support officers, if the Policing Board decides to recommend that the latter should be introduced to Northern Ireland, given their success in Great Britain. No one will be recruited unless they satisfy completely, down to the last full stop and comma, the normal recruitment criteria for the police that have applied over the years and apply now. There is no question of someone who is a paramilitary one day walking into a police uniform the next day. I hope that that reassures the hon. Gentleman.

We hope to continue the discussions with all the political parties that I have had over the past few months and take the process forward, and I hope that the hon. Gentleman will continue to support that.

Lembit Öpik (Montgomeryshire) (LD): I, too, thank the Secretary of State for early sight of the statement and associate myself with his comments about the late Gerry Fitt, who was a large character as I grew up, and with those about Mo Mowlam, who was unique in her principle, charisma and drive to remove obstacles in the peace process that no one else could have removed.

I welcome the IRA statement of 28 July and its act of decommissioning in September. Does the Secretary of State agree that both sides of the House must recognise that this is a momentous step forward? Indeed, it is rather more than some of us could have hoped for in 2005. We must all agree that it was necessary for the IRA to take that step and that, to some extent, the long delay requires a rebuilding of trust with the IRA and other paramilitaries.

Does the Secretary of State agree that a key publication is the forthcoming report of the Independent Monitoring Commission? That will help us to see whether the IRA is continuing its previously considerable involvement in criminal activity and paramilitary beatings across Northern Ireland. Does the Secretary of State agree that, for people to develop

[Lembit Öpik]

further faith in those formerly involved in the IRA, there must be total and genuine cessation of the underlying violence that has continued? Does he agree that the IRA must make a statement to confirm that those whom it exiled from their homes during the so-called troubles are free to return home safely and without fear of retribution?

We welcome the Secretary of State's decision to specify the Ulster Volunteer Force. There are of course genuine grievances in the loyalist community, but I am sure he will agree that those grievances should be properly presented through debate in the political system of dialogue and not through paramilitary violence.

It is clear that the police have an appallingly difficult job in the Province and we salute their courage and determination, for much of the time under the greatest of dangers. Does the Secretary of State agree that although there is a case for devolving policing and justice to the Northern Ireland Assembly, that can happen only when the Assembly has proved itself durable and sustainable? Nothing could be worse than the suspension of the Assembly when it had jurisdiction over the police.

We welcome the announcement about a victims commissioner, but can the Secretary of State assure us that the commissioner will have real teeth? Will the commissioner have the opportunity genuinely to act in the interests of victims rather than merely speaking about their concerns?

Finally, in relation to on-the-runs, the Secretary of State really must give a commitment that the needs of victims will come first. Will he clarify what he said to the Conservative party spokesman, the hon. Member for Aylesbury (Mr. Lidington)? Is he assuring us that people allegedly involved in terrorist activities will be required to appear before a board or court as part of the process, and that they will not simply be given some form of amnesty? If that is what he is proposing, it is encouraging. We will see the details at a later stage, but it would be helpful in the context of his statement if he gave an indication that that significant stumbling block will be addressed in the way that I described.

Mr. Hain: I am grateful to the hon. Gentleman for his opening comments, especially those about Mo Mowlam, and for his support for the police, as I was to the hon. Member for Aylesbury (Mr. Lidington).

I agree that the IRA statement was momentous; that is the correct word to describe it. I also agree that the IMC report is vital to demonstrating that the age of bombs and bullets from the IRA is over—as well as the punishment beatings, the exiling and all that dreadful local activity, including the criminality. That is why the activities of the Assets Recovery Agency are important in tracking down those who we know have been involved in criminality. Exiles should be free to return. If we are to have a normal society, with Ministers exercising devolved powers in that normal society, the horrendous process of exiling must end.

There are many grievances in loyalist communities. Recently, I have been spending a lot of time, with the Minister of State, Northern Ireland Office, my hon. Friend the Member for Delyn (Mr. Hanson), visiting loyalist communities, in some cases under the guidance of members of the Democratic Unionist party, for which I am grateful, trying to understand exactly how we can develop a future agenda. One of the problems is that there are many grievances about the past but the future agenda is not clear. That is where we need to get people, so I accept the points that the hon. Member for Montgomeryshire (Lembit Öpik) makes.

As the hon. Gentleman says, devolving policing is a good idea in principle, but the conditions must be right. There must be agreement and a sense of permanent stability.

I shall be making an announcement about the victims commissioner when I am in a position to do so. The time is long overdue for the victims of the troubles of the past 35 years or so to be properly acknowledged and their grievances recognised. They are the ones who have suffered most.

In relation to on-the-runs legislation, the victims must constantly be in our minds and should always come first. There will be a fully judicial process, which is why there is no question of an amnesty. I want to underline the following point: if as part of the judicial process concerning on-the-run suspects someone is found guilty and granted a licence and the conditions of the licence are broken, it is important that they will be rearrested and incarcerated. There is thus no question of an amnesty; it will be a proper judicial process and I look forward to explaining the situation to the hon. Gentleman nearer the time.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the announcements during the recess from Sinn Fein and General de Chastelain. However, does my right hon. Friend agree that, to secure trust and confidence in normality in Northern Ireland, the republican side must recognise the PSNI, and the loyalist side must stop bombing and shooting the PSNI? What progress has he made in securing political leadership on both sides of the divide to obtain that? Will he also give assurances that he will push for extra resources for the ARA, to ensure that former paramilitaries who are turning to criminal and violent activity that undermines normality in the Province will not be allowed to make crime pay?

Mr. Hain: When my hon. Friend said that he welcomed statements over the summer from Sinn Fein, I assume that he meant the IRA—

Mr. Peter Robinson (Belfast, East) (DUP): The hon. Gentleman was perfectly right.

Mr. Hain: I thought that Ulster Unionist Members might respond in that way.

I agree very much with my hon. Friend that political leadership is needed both from Unionist communities and leaders and nationalist leaders in support of the police. There has been a degree of ambivalence—to put it charitably—about that from the republican side, not only in recent weeks but over the years. I do not want that bad practice to spread to the loyalist side, or indeed to some on the Unionist side. Support for the police must be consistent across the board.

The ARA will continue to do its work with all the resources it needs.

Rev. Ian Paisley (North Antrim) (DUP): I would like to say a few words about Mo Mowlam and Gerry Fitt—two very interesting characters. I had run-ins with them many, many times.

Mo Mowlam earned the medal for having me wrongly arrested the night that the agreement was signed, but a certain chief police officer had a word in her ear and she allowed me to go without charge. I had many interesting times with her, with her shoes off, her feet on the table, demanding that I should be a serf to do her bidding, which I never did.

Gerry Fitt lived in Dock ward, and so did I. I fought him and kept him out of the council during his campaign. Then I left the area and, unfortunately from the Unionist point of view, he was elected. But he was a unique character. He had a good way of looking after people in need and never got beyond himself—who he was and what he intended to do. When the House lost him, it lost some of the humour of debates. I remember when one of my colleagues—the late Johnny McQuade—had a row with him. Johnny McQuade, who was a champion boxer of the British Army, said, "Gerry, come outside and I will deal with you." The Speaker quickly said, "Before you do that, I'll buy you both a cup of tea." That, of course, defused the situation.

I should like to tell the Secretary of State that some matters concern us all about his statement. I also want to tell him that, although I condemn utterly any attack on the police no matter from where it comes—as he knows—it should also be kept in mind that the people who sought to kill the police in Northern Ireland were not loyalists; they were republicans. I have in my study the photographs of some 300 police officers who were murdered by the IRA. So we need to keep that in mind, although of course nobody in their senses in Northern Ireland wants anything that has occurred during the past weeks to occur again.

I am glad that the Secretary of State came to the North Antrim constituency, and I am sure that he would join me in condemning the attack that took place yesterday, when more pipe bombs were left, this time at the state primary school in Harryville. I am sure that he would want to join me in condemning that outrage.

With regard to the Policing Board, perhaps the Secretary of State could help me. I understand that a number of the appointments are political—they involve people from political parties. Will that change, or will we retain the current number of political representatives on the board? Those in the IRA have made it clear that they will not join the board, so they will be left out, as they were left out before. Will their places remain vacant or be filled, as they were for the previous board? We need to know about that.

The House should congratulate the board on what it has done. It has got through a lot of thorny, difficult problems, and every member has made a valuable contribution. Although the old board is going, it needs to be put on record that the people of Northern Ireland are grateful to the Policing Board, although I trust that the Secretary of State will not reduce the number of appointees to it.

On-the-runs legislation is not acceptable to the Unionist majority, and it is not acceptable to many Roman Catholics who have suffered so seriously at the hands of these people that they still cannot get back the bodies of their loved ones for a decent Christian burial. That needs to be carefully looked at. If there is to be no jurisdiction of the court in the matter, the Secretary of State's argument that there is to be no amnesty is weakened. We must be sure that these people are brought to a place where they realise that the court that sentenced them has the right to do such things, that they are bound by all the court rules and that, if they offend again, they will be lifted and brought in. I was tempted to say, "And not let out", but the Secretary of State will know what I am getting at, and I do not need to interpret that. I am sure that my hon. Friends will want to say something, representing their constituents, so I think that I have said enough.

Mr. Hain: I am grateful to the hon. Gentleman for the points that he made and for his very engaging comments on both Mo Mowlam and Gerry Fitt. I promise never to have him wrongly arrested and never to take off my shoes while I am in discussion with him, or even to try to offer him a glass of whisky, which I think happened on one occasion. I join him in criticising and condemning the extraordinary and very disturbing attack on Harryville school.

As the hon. Gentleman asked of me, I have applied the composition of political appointees to the Policing Board in accordance with the outcome of the 2003 elections. I accepted his arguments that the DUP was in an unfair situation and that the present composition of the board and its political section did not reflect the last Assembly election. He and his colleagues made a very strong argument, and I have accepted it. If the d'Hondt formula is applied to that election, the outcome is an increase to four members for the DUP, two members for the UUP, two for the SDLP and two for Sinn Fein.

There are some months to go until 1 April, when the board will be reconstituted, and it is vital that community balance is retained. I do not know whether those in Sinn Fein will come on to the board—they have expressed no intention of doing so—but if they want to get involved in devolved government, they must, as I am sure the hon. Gentleman will accept, take their responsibilities to policing seriously, including going on to the board.

I agree that the board has played an extremely valuable role, and I endorse the hon. Gentleman's congratulations of the role of all its members, including members of his party. I know that, particularly given what he has said, he will want to condemn with me the barbarous attack, probably by members of the Real IRA, on the vice-chairman of the board, Denis Bradley, who in an attempt to maim him if not to kill him suffered enormous damage to his face and head.

I understand the hon. Gentleman's concern about the on-the-runs legislation. I accept absolutely that it is not acceptable to the Unionist community—I fully understand that—and especially to the many victims of the IRA over the years, including police officers, but I assure him that the matter will be subject to a proper judicial process, as he will see when the Bill is published.

[Mr. Hain]

If people reoffend, absolutely, they will indeed—to use his language—be lifted. The legislation will provide for that.

Mark Durkan (Foyle) (SDLP): Like others, I join the Secretary of State in fondly remembering Gerry Fitt and Mo Mowlam. Gerry Fitt was my predecessor as the leader of the SDLP. He was its founding leader, and in founding the party, he built it on the principles of standing for partnership in Northern Ireland, co-operation north and south, and reconciliation and harmony between Britain and Ireland. Those are principles with which he helped to inspire the SDLP, and we have continued with them to this very day. He was a warm character, not at all reluctant to let people know when he disagreed with them, and a man who was ready to proffer all sorts of advice and criticism. When I spoke to him in July, we agreed that we would meet here this month—he obviously planned a very convivial meeting—and I regret that, unfortunately, that was not to be. Gerry Fitt is fondly remembered not just by those with whom he served in politics or by those with whom he agreed, but by people with whom he disagreed. I think he disagreed with us all on very many occasions.

Likewise, Mo Mowlam was someone who brought enormous humour and character to her time in Northern Ireland. She did not always take herself seriously, but she always took her responsibilities seriously. She left Northern Ireland a much better place than she found it.

One aspect of Mo Mowlam's approach in Northern Ireland was that she knew that, if people are to build trust and confidence, they do not create the impression of a deal one way today and a side deal another way tomorrow or next week. Although many people find it tedious to do things inclusively and on a round-table basis, things can be got through an awful lot faster and an awful lot of suspicion and angst can be saved if the same thing is said in the same terms at the same time to everyone. I hope that the Government will learn some lessons from that.

I believe that the process has got into a lot of trouble by deviating from the inclusive approach that gave us the agreement in the first place. I understand why that has happened, and I shall not go into all that now, but we know that it ended up centring on the question of decommissioning. A fundamental mistake was made soon after the agreement by the Governments not using their authority to declare that decommissioning was a requirement of the agreement no matter who said it was not, and that decommissioning was not a pre-condition for the establishment of the institutions. The failure to do that and, instead, to try to focus on the problem parties and to do side deals, sub-deals and pseudo deals meant that we have waited for years. Some of us predicted that Sinn Fein and the IRA would spend years milking not doing something until such time as they decided that they could milk more by doing it. That has been the story of this process.

This summer's developments on decommissioning are very welcome. The failure to decommission was the boulder that was blocking the agreement road. That stone has now been rolled away. On one side of the boulder were painted the words, "Not a bullet. Not an ounce", and on the other were painted, "No guns, no Government". As that stone moves away, the veto on the institutions that the IRA's failure to decommission represented should be removed as well. I hope that we can all work on the basis that we are now on the countdown to restoring institutions in which we can all share.

I know that some colleagues on the Opposition Benches took exception to suggestions that I made elsewhere that, when parties come with demands to Downing street, they should be told where to go with those demands—into the institutions and to make them the agenda there. Some parties thought that I was talking about only one party; I am talking about any party coming in. We should all be told where to take our shopping lists and that is, with our mandates, into the institutions into which we were elected: the Assembly, the Executive, the North/South Ministerial Council and the Policing Board.

I wish to make a further point about the Policing Board. The Secretary of State has indicated today that he is moving to reconstitute the board. I join him in underscoring the success of the Patten vision for policing and I join the hon. Member for North Antrim (Rev. Ian Paisley) in applauding the role and the work of the Policing Board in that regard. It confounded low expectations; it has succeeded in delivering; it has succeeded in carrying all the disagreements that there have been within the board and even all the disagreements in and around Patten; and it has worked. Why has it done so? It has worked because the parties have to take the decisions within the board. We cannot run to Downing street or Dublin with the decisions that fall to the Policing Board. We have to face each other and face our responsibilities and mandates. Therein lies the lesson.

Finally, I note that the Secretary of State has said that he will appoint a victims commissioner. The joint declaration in 2003 said that the Government would consider establishing a victims and survivors forum, and I would like him to move on the propositions for both a victims commissioner and a victims and survivors forum. Victims and survivors have waited for far too long in this process. We keep patting them on the shoulder and then the process shrugs its shoulders when basic questions are asked on behalf of victims. We still have not delivered the promise to victims in the Good Friday agreement, and that is why, when victims see measures coming along for on-the-runs and are very worried about what happens in relation to the cold cases and the process of certificates that are being talked about, they feel very much that they are seen as second best. Victims can no longer be ghettoised; they can no longer be patronised; they have to be championed; their interests must come first; and they must be allowed to speak for themselves in a victims and survivors forum.

Mr. Hain: I very much agree with the hon. Gentleman that victims must no longer be seen as second best. We can all agree to that, and I am sure that it will be agreed across the political divide in Northern Ireland. I ask him to be a little patient. When I am in a position to make an announcement on the way forward for a victims commissioner—which I hope to do sooner rather than later, because the matter has been delayed for too long—I will certainly explain all the details and take account of what he has said.

The hon. Gentleman spoke with tremendous elegance and eloquence about Gerry Fitt, and I agree with him. It is probably easier for me than the hon. Gentleman to say that the SDLP under the leadership of Gerry Fitt, then John Hume and now the hon. Gentleman has always displayed tremendous courage. We would not be where we are now were it not for the SDLP's role.

I agree that we need to learn lessons from the past and that an inclusive approach is important. As we move forward in the coming months, that should be the bedrock on which we engage between Government and the different political parties. I also agree that restoring the institutions is absolutely vital. We cannot put that off for ever; we must do it sooner rather than later.

I agree with the hon. Gentleman about the Policing Board. We must maintain the commitment to the Patten reforms, update them when necessary and take account of new developments while maintaining the absolutely crucial ethos in the board that he mentioned and that has been the main reason for its success. I welcome the points that he has made.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The House can probably anticipate what I am about to say. This is a ministerial statement on which questions may be put. May I now appeal for brevity? There is other important business to be considered this afternoon, so I hope that hon. Members will respect that fact.

Sir Patrick Cormack (South Staffordshire) (Con): In genuinely wishing the Secretary of State well in the challenging and difficult days ahead, may I ask him to concede that in Northern Ireland there is a great deal of perplexity about and hostility to the fact that he continues also to have responsibility for Wales? There is a feeling that, at this of all times, a Secretary of State for Northern Ireland should be that and nothing else. He is the first to hold a dual role. I wish him well, but I hope that he will reflect on those words.

Mr. Hain: I am grateful for the hon. Gentleman's good wishes. I congratulate him on being appointed Chairman of the Select Committee on Northern Ireland Affairs. He will do an outstanding job as one of the most outstanding parliamentarians in the Chamber.

Gordon Banks (Ochil and South Perthshire) (Lab): Does my right hon. Friend agree that a structured return to devolved government in Northern Ireland provides the best and possibly only opportunity for peaceful economic growth and development and an equalisation of social opportunities in Northern Ireland? As such, it should be a goal that is embraced by all involved political parties.

Mr. Hain: I fully agree with my hon. Friend. Getting the devolved institutions up and running is absolutely crucial to the future stability and political success of Northern Ireland. My aim as Secretary of State for Northern Ireland is to do myself out of a job. It is to make sure that we can get devolved institutions up and running. *[Interruption.]* I am talking about the devolved areas of my responsibilities.

I want the elected politicians in Northern Ireland—the hon. Members for Foyle (Mark Durkan), for North Antrim (Rev. Ian Paisley), for Belfast, East (Mr. Robinson), for Belfast, North (Mr. Dodds) and all the other elected politicians in Northern Ireland—to take responsibility for the decisions that I now take and that are necessary to take Northern Ireland forward.

Lady Hermon (North Down) (UUP): Apart from calling down the wrath of the full weight of the law upon the heads of loyalist paramilitaries, I would be most grateful to the Secretary of State if he would enlighten the House as to the real efforts being made by the Northern Ireland Office to bring the loyalist paramilitaries in from the cold and to encourage them to begin the decommissioning of their weaponry.

Mr. Hain: The hon. Lady makes a very good point. This is something that we are working on all the time, and I know that I have her support and that of her party, which has also shown great courage over the years. It is absolutely critical that we get the political leadership in those communities to bring them in from the cold and that we show that there is an honourable future for loyalism in the future of Northern Ireland. That honourable future is to take its place in the political arena, not in the streets with a gun or a blast bomb.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): My right hon. Friend referred to the desire to see local government returned to Northern Ireland, but will he comment on the reorganisation of local government councils and on the review of public administration?

Mr. Hain: Yes, we will announce—I am sure that my hon. Friend will be encouraged by this—our views on how local government should be reorganised. There are 26 local councils in Northern Ireland. It is over-administered, not just in terms of the number of local authorities, but in the number of police authorities, health authorities and hospital trusts. There are also about 100 quangos. It is important that we get an efficient public sector, more accountability to local people and more powers for local councils. That will form part of our proposals for the future.

Dr. Julian Lewis (New Forest, East) (Con): The Secretary of State paid a well deserved tribute to the bravery of the police, various politicians—both living and no longer living—and the victims. However, one group of people to whom he perhaps inadvertently did not pay tribute was the men and women of the British Army and the security services, without whom we would not be in the position that we are in today. He said that it had taken a long time for the IRA to realise that violence did not pay, but surely the British Army and the security services gave it that realisation. Is it not fortunate that the prescription of those who signed up to the troops out movement at the height of the troubles was ignored by successive Governments?

Mr. Hain: Yes, it was. I agree with the hon. Gentleman and I am glad that he has given me the opportunity to endorse his point that the Army has played an important role. I stress that 1,200 soldiers

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backing up the police during the Whiterock weekend helped to hold the line and ensure not only that the violence was contained—despite pretty vicious attacks, including murder attempts—but that it did not spill over into nationalist areas, which was the intention of some of the paramilitaries and others involved in the rioting. That would have created an enormous conflagration, although it was avoided.

Mr. David Anderson (Blaydon) (Lab): In welcoming the statement, may I echo the comments made about Mo Mowlam? I worked with Mo Mowlam for more than 20 years, first on trying to get justice for miners who were sacked and sometimes jailed during the 1984–85 strike, and then as a national official with Unison during her work in Northern Ireland. The people over there made us both realise that the biggest mistake that can be made in Northern Ireland is to leave a vacuum. Over the past few months, we have seen the opportunity to come out of the vacuum that we have been in for several months and years.

The point that has been made today about political leadership should be taken on board by everyone in the Chamber. I am proud that I am now a member of the Northern Ireland Affairs Committee, under the chairmanship of the hon. Member for South Staffordshire (Sir Patrick Cormack). We have taken the decision to work together in a non-partisan way to try to help to move things forward. Does the Secretary of State agree that political leadership will take us to a position where, instead of taking risks for peace, which Mo used to speak about, we can now start taking decisions for peace?

Mr. Hain: I certainly hope so. I agree with my hon. Friend that it is dangerous to leave a political vacuum, so his points are apposite—as are his comments about Mo Mowlam, who reached parts of the community that no politician normally reaches, whether in Northern Ireland or anywhere else in the United Kingdom.

Mr. Peter Robinson (Belfast, East) (DUP): Will the Secretary of State give us some clarity on two matters arising from his statement? He says that the impossible has happened in that the IRA war machine has gone. Will he give us an explanation for that statement, because it is not consistent with what the Chief Constable recently told the Policing Board, or with what the IMC indicated to us? Where is the evidence that the war machine has gone, as opposed to just some of the weaponry?

The Secretary of State indicated that we can move the process forward in January if the IMC reports that there is an end to IRA activity, by which I assume that he means both paramilitary and criminal activity. Does he accept that possessing funds from the Northern bank robbery and other robberies represents a continuing criminal offence, and that while the IRA still possesses those funds it is still continuing with criminality?

Mr. Hain: Obviously, I agree that if people have stolen money and are still in possession of it they are criminally culpable, so the hon. Gentleman makes a good point. As for the war machine being gone, he will understand that General de Chastelain made a statement and gave a report on 26 September, which was witnessed not only by fellow members of the Independent International Commission on Decommissioning but, for the first time, two clergymen, including Harold Good, a widely respected Protestant clergyman and former president of the Methodist Church in Ireland. That showed that something historic and, as the hon. Gentleman said, something substantial had happened.

I hope that things will move forward after January, but I cannot anticipate what the IMC report will say about IRA activity. However, I agree with the hon. Gentleman that there must be an end to both paramilitary and criminal activity, as I have always said, so he is right to stress that point. It is also important for us to try to create circumstances against the background of a positive report—if it is positive, and the information that I have received so far is that it is broadly positive—that will allow us to find a way of talking again and not leaving a political vacuum.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Secretary of State made it clear that the Police Service of Northern Ireland has had a turbulent summer combating a great deal of criminal activity, in which it has been supported by the Army. Does he agree that now is not the time for Her Majesty's Government to consider disbanding the Territorial battalions of the Royal Irish Regiment?

Mr. Hain: As the hon. Gentleman knows, and as I have explained, the process was announced in May 2003, so it should come as no surprise. The situation is difficult for soldiers in the home-based battalions of the Royal Irish Regiment. The 1st Battalion will remain, but that is deployable worldwide, like other battalions in the armed forces. I have received important representations from the leader of the Democratic Unionist party and his colleagues about redundancy terms and other matters. We are examining those requests at the moment and trying to meet them.

The truth is, as the General Officer Commanding told me, that the Royal Irish Regiment home battalions have been operating at about 4 per cent. capacity, on average. If the Whiterock weekend is included, the capacity works out at 10 per cent. There is no longer the same level of threat that there was in the past, so the whole situation must be adjusted. However, I stress to the hon. Gentleman that that will not be done in a way that risks anyone's security.

Sammy Wilson (East Antrim) (DUP): Will the Secretary of State condemn the remarks made by one of the independent observers on IRA decommissioning when he last night described and branded all Unionists as Nazis? Will he also explain to the House how an on-the-run proposal that will allow up to 150 people who are guilty of murder, attempted murder and bombing to come back to Northern Ireland without serving one day in prison is anything other than an amnesty? The cold case review is investigating 1,800 cases. What are the implications for anyone against whom evidence is discovered during that review? Will they be subject to

the same terms as on-the-runs, or will they have to skip across the border for a day or two to qualify for the same treatment?

Mr. Hain: Although Father Alec Reid has apparently apologised for his remarks, of course I join the hon. Gentleman in condemning what he said. On the question of on-the-runs, I have explained that when the proposals are ready we will make them available to hon. Members, including him, for debate, scrutiny and, if the House so decides, amendment. The proposition is not an amnesty because that would mean that people who had committed offences would in advance be released for ever from being punished for them. I made it clear in an earlier reply that there will not be an amnesty because such people will be subject to the process of the law. The cold cases that are being reviewed by the Chief Constable and his officers will lead to people being charged, if evidence exists. If such people come under the on-the-runs legislation, they will be subject to the appropriate judicial process, so there is no question of people being let off the hook.

Mr. Andrew Turner (Isle of Wight) (Con): Does the Government's definition of "victim" include "perpetrator"?

Mr. Hain: The definition of "victim" is historically quite contentious in Northern Ireland. What matters is that the victims—the more than 3,000 people who were killed and their families, loved ones and friends—understand that there is a process of recognition of that.

BILLS PRESENTED

Council Tax (New Valuation Lists for England)

Mr. Secretary Prescott, supported by the Prime Minister, Mr. Chancellor of the Exchequer, Dawn Primarolo, Mr. David Miliband, Mr. Phil Woolas and Jim Fitzpatrick, presented a Bill to make provision about the dates on which new valuation lists for the purposes of council tax must be compiled in relation to billing authorities in England: And the same was read the First time, and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 57].

Animal Welfare

Secretary Margaret Beckett, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Clarke, Mr. Secretary Hain and Mr. Ben Bradshaw, presented a Bill to make provision about animal welfare; and for connected purposes: And the same was read the First time, and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 58].

Orders of the Day

Prevention and Suppression of Terrorism

1.10 pm

The Minister for Policing, Security and Community Safety (Hazel Blears): I beg to move,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2005, which was laid before this House on 10th October, be approved.

This is the third such application under these provisions. My right hon. Friend the Foreign Secretary, when he was Home Secretary, laid an order for the proscription of 21 international terrorist groups under part 2 of the Terrorism Act 2000 on 28 February 2001, which was approved by the House. My right hon. Friend the Secretary of State for Work and Pensions, when he was Home Secretary, similarly laid an order for the proscription of a further four organisations on 28 October 2002, which was also approved by the House.

My right hon. Friend the Home Secretary has this week introduced the Terrorism Bill for the purpose of further strengthening the United Kingdom's counter-terrorist powers. The new powers in the Bill reflect the importance that the Government place on dealing with those who seek to overthrow legitimate Governments through violent means. The attacks on London in July and the subsequent atrocities in Egypt and Bali have shown us all the importance of continuing the fight against terrorism, and the importance of not only breaking up terrorist groups, but the networks of organisations that support them and give them succour.

Under part 2 of the Terrorism Act 2000, the Secretary of State has the power to proscribe any organisation that he believes "is concerned in terrorism". That is the phrase under the Act. An organisation is concerned in terrorism if it commits or participates in acts of terrorism, if it prepares for terrorism, promotes or encourages it or is otherwise concerned in it. If the Secretary of State is satisfied that a particular group meets those criteria of being concerned in terrorism, he then has the power to proscribe it.

In addition, there are other criteria that can be taken into account. These additional factors include the nature and scale of an organisation's activities, the specific threat posed to the United Kingdom, the threat to British nationals overseas, the extent of the organisation's presence in the UK and, importantly, the need to support other members of the international community in the global fight against terrorism. I think that we would all acknowledge that we are now facing terrorism with a global reach in many different countries.

Proscription means that an organisation is outlawed in the UK and that it is illegal for it to operate here. The 2000 Act makes it a criminal offence to belong to, to support or to display support for a proscribed organisation. The Act allows the police to seize all property of that proscribed organisation.

I acknowledge that this is a tough power. It has the effect of outlawing previously lawful activity. It is right that it has to be given effect by affirmative resolution in both Houses. It is an important power to exercise. The

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Home Secretary has made it clear that he takes such decisions only after the most thorough scrutiny of all the intelligence put forward by the security and intelligence agencies.

We believe that this power plays a key role in creating a hostile environment for terrorists and their supporters. It also deters international terrorist organisations from coming to this country in the first place. Equally importantly, it sends out a strong signal throughout the world that the UK rejects such organisations and their claims to legitimacy.

Adam Price (Carmarthen, East and Dinefwr) (PC): I question the Minister specifically on the Uzbek organisation that appears in the list. According to the right hon. Lady's own note, it has as its principal aim the holding of elections in Uzbekistan. It does not organise or recruit in the United Kingdom. It was involved in the Andijan uprising in May, which left hundreds of civilians dead. They were killed not by the Islamic Jihad Union but by the brutality of the Karimov regime that it is trying to overthrow. Should we not tread very carefully before proscribing an organisation that has less blood on its hands than a Government with whom we still maintain diplomatic relations?

Hazel Blears: The hon. Gentleman raises an important point. I took a particular look at the organisation to which he refers. The indication, given the information, was that it was perhaps less active here than many of the other organisations that are set out in the explanatory memorandum. I have been assured that the group would cause a threat to British interests overseas in particular. It is always open to any of us to seek to weigh the balance between the actions of one group or another. As for the organisations that are set out in the list, I am saying that the information of the security and intelligence services has been sufficient, when scrutinised carefully by my right hon. Friend the Home Secretary, for him to reach the decision that proscription is appropriate. I will deal with the provisions on appeal, which are extensive for any organisation that finds itself proscribed.

Mr. Dominic Grieve (Beaconsfield) (Con): Reading the note as carefully as I could, it appeared to me that in respect of the Islamic Jihad Union—I would be grateful if the right hon. Lady were to clarify the matter—it was not its resistance to the Karimov regime that was causing the Government difficulties, but the fact that it was associated with direct acts of terrorism in third countries such as Kazakhstan. Can the Minister confirm that that is the case?

Hazel Blears: There is a range of activities that all these organisations will be undertaking. We have attempted in the explanatory memoranda to outline, as far as we can, the activities that have taken place. As for the Islamic Jihad Union, in March 2004 there was an explosion in Uzbekistan that killed nine people who were involved in the construction of portable improvised explosive devices. Over the following three days, there was a series of shoot-outs and suicide bombings that were carried out in Tashkent, Bokhara and Uzbekistan, leaving about 25 dead and 35 wounded. I also asked about the impact on British interests to satisfy myself that the order was an appropriate way forward.

My right hon. Friend the Home Secretary has carefully scrutinised the information that is available to him. We are being told by the security services that the organisations on the list are of particular concern at this time. That is why the decision has been reached.

Dr. Julian Lewis (New Forest, East) (Con): I do not have any difficulty with what the Minister has said so far. For the purpose of clarity, I ask her what the situation is with groups such as the Al Aqsa martyrs brigades, which, for all I know, may be on a previous list. There is no evidence of them causing a direct threat to civilians in the United Kingdom, but they have an overt record of blowing up buses and finding other ways of killing civilians in Israel. Is it the case that that alone is enough to qualify an organisation of that sort to go on the list, given that British citizens often travel to Israel?

Hazel Blears: I have tried to outline that the first requirement is that a group should be concerned in terrorism, and that can be promoting, encouraging or taking part in acts of terrorism. There is a series of other factors that the Secretary of State can take into account, and some will have greater weight than others. One of those factors is supporting the rest of the international community to tackle terrorism. Where groups are active in other countries it is vital that we act together to ensure that we do as much as we can to fight global terrorism. That is one of the factors that are taken into account.

Mr. David Heath (Somerton and Frome) (LD): I want to return to the Islamic Jihad Union. It is the organisation that causes some of us concerns because of the country in which it is clearly operating. Can the Minister reassure me that her primary channels of information come from British intelligence and not from Uzbek sources?

Hazel Blears: The information that we receive is from our own security and intelligence services. Obviously, we have very good relationships with intelligence services throughout the world, and it is right that we should also take account of that information. My right hon. Friend the Home Secretary, in his careful scrutiny of the evidence available to him, will have taken into account a range of different sources in relation to each of these decisions.

Adam Price: Have the Government either sought or received intelligence from the Uzbek Government on this matter?

Hazel Blears: I can give hon. Members the reassurance that they are seeking, as the case on the IJU is based on our own intelligence.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I wanted to pick up the need to work together. It is all very well the UK keeping lists of outlawed terrorist organisations up to date, but the Minister referred to Bali, and yesterday was the anniversary of the first major bomb there. Indeed, there was another attack by

the same group only a couple of weeks ago. Does it not undermine the work that we are doing here if countries such as Indonesia do not even outlaw Jemaah Islamiyah, the group responsible? Will the Minister work more closely with the Foreign Secretary to make sure that we combat terrorism globally? Our work here is undermined if we travel abroad and are confronted by the very terrorists whom we are trying to prevent from attacking us in the UK.

Hazel Blears: The hon. Gentleman makes an important and fair point. When we face the threat of international terrorism, it is incumbent on all of us across the world to try to work together as closely as we can. Different countries have different proscription regimes—they are not all identical to ours. Some of the groups on our list are proscribed in other countries, but some are not. It is important that the Foreign Secretary and Home Secretary work closely together and that we work with other Governments to give all our citizens as much security as possible in the dangerous world situation that faces us.

Alan Simpson (Nottingham, South) (Lab): Do other EU countries include the IJU on a proscribed list? Concerns about the Uzbek Government would prompt many of us to prefer to see them on the list rather than groups that oppose them, given that they have carried out acts of cruelty and torture against their own citizens. Have the British Government received representations from the Uzbek Government and other Governments about the inclusion of organisations on the list? It can be argued that many of them display anti-western attitudes, so what representations have been received from the United States?

Hazel Blears: The IJU is proscribed by both the US and the UN, so other countries have concerns about that organisation. As I said, the intelligence on which the Home Secretary reached his decision was from our own sources, so I hope that that reassures Members that the matter has been scrutinised properly and that this is a proper decision. I shall come on to the appeal provisions, which are robust. If groups feel that they have been wrongly proscribed they have recourse to a review.

Helen Goodman (Bishop Auckland) (Lab): Before you come on to that point, I would like to ask you another question about the Uzbeks.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Lady must correct her use of language. She is not asking questions of me, but of her right hon. Friend the Minister.

Helen Goodman: Thank you, Mr. Deputy Speaker.

I am sure that what the Minister said about the IJU is correct, but after the uprising in Andijan people were massacred by the Government, and others were tortured into saying that they belonged to radical Islamist groups. How will the Minister make a judgment in practice about whether people truly belong to the IJU, which is to be proscribed, or have simply been tortured into claiming that they do?

Hazel Blears: If an organisation is proscribed, anyone seeking either to become a member or to give it support would be guilty of a criminal offence. Prosecution would be a matter for the courts, and it would have to be brought properly. Evidence would be tested and there would be an opportunity for all the issues raised by my hon. Friend to be explored within the criminal justice system, as would happen with any other kind of offence. There would be an opportunity to discover whether evidence had not been obtained properly or did not stand up under scrutiny or cross-examination. I accept the points made by several hon. Members that other people may have carried out acts that we would all find abhorrent. However, we are talking about whether particular organisations pose such a threat that they should be proscribed. The fact that other organisations may be involved in other activities does not mean that the listed organisations should not be subject to a proscription order.

Stewart Hosie (Dundee, East) (SNP): A number of organisations on the list have UK-based supporters but no official representation here. Has an assessment been made of the extent of their support and do any of them have large-scale support networks in this country? Do any of them pose a particular threat and do any particular organisations receive a disproportionate amount of support, help, succour or money from the UK for their activities abroad?

Hazel Blears: The hon. Gentleman is pressing me to stray into inappropriate areas, given the risk of revealing intelligence. It would be invidious to single out organisations as being strong or weak, as we are engaged in a fight against terrorism. The information in the explanatory memorandum attempts to be as clear as possible about the extent of activity. Most of the organisations do not have a formal representative presence, but a number of people in this country support them. That is as far as I can go in trying to answer the hon. Gentleman's question.

We are seeking to proscribe the 15 international terrorist groups that appear in the explanatory memorandum. We have sought a shortened timetable to try to ensure that the power is as effective as possible by not allowing the proposed groups time to move resources out of the country or to change their names to evade the powers in the Terrorism Act. If we support the order, it will go to the other place this afternoon and will come into effect tomorrow. I accept that that is a short time scale, but there are genuine reasons for it. Hon. Members will note that most of the groups are active in south Asia, specifically Pakistan, but Ansar Al Sunna and Ansar Al Islam are active in Iraq. The Libyan Islamic Fighting group and the Groupe Islamique Combattant Marocain mainly target their activities against their respective countries, and Al Ittihad Al Islamia is based in east Africa. A range of organisations are therefore subject to the order. It is clear from the evidence put before the Home Secretary that all those groups are active in terrorism and have linkages to the network of organisations associated with al-Qaeda. They have been chosen because the security and intelligence agencies have advised us that they are the highest priority at the present time. The Government

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have every confidence in the work of the agencies and we think that they are doing an excellent job in extraordinarily difficult circumstances.

Mr. Ellwood: What co-ordination is there between the security services? To develop my earlier question, how much co-ordination is there between the various intelligence organisations and how can we secure a global agreement about which organisations should be outlawed?

Hazel Blears: As well as receiving advice from the individual security agencies, the Home Secretary receives advice from a working group that brings together all the agencies so that they can share information and provide him with advice. Those agencies are mainly home agencies but, as I said earlier, there are extremely close relationships between security agencies across the world, which have become even closer in the light of the attacks that we face. I am confident that there is better information sharing now than there has been at any time. Information sharing and working together are clearly a key part of our policy.

John McDonnell (Hayes and Harlington) (Lab): It would be helpful if, without endangering sources and so on, the Government published more information about the history of the funding of those organisations. In particular, knowing the current and past funding of those organisations by states would help us to make a judgment about individual organisations, as we would know where their funding came from in the past and what association they have had with state funding.

Hazel Blears: I understand why my hon. Friend wants to see that information, but I cannot undertake to publish the details. We have tried to be as open as possible in the explanatory memorandum, and I will re-examine the matter.

Simon Hughes (North Southwark and Bermondsey) (LD): Will the Minister tell us whether all the organisations in the order are on the UN list of proscribed organisations?

Hazel Blears: Not all of the organisations in the order are on the UN list.

Simon Hughes: Will the Minister indicate whether any organisations on the UN list are not included in today's list?

Hazel Blears: I am not aware of the detail on that point. Some organisations may be on the UN list, but not on our list. The organisations in the order are those that the Security Service tells us are currently of most concern. If we were to proscribe every single organisation in every single part of the world, our list would include many scores of organisations. We have tried to prioritise, but I am more than happy to go through the list and try to provide the hon. Gentleman with that detail after the debate.

Alan Simpson: I understand the sensitivity surrounding the extent to which the Minister can discuss what we currently know about those organisations. On the urgency of the situation and the need to pass the order today and take action quickly, will the Minister undertake to return to the House to set out exactly what assets and resources have been seized under the order, because it would be helpful to know whether real assets and resources have been identified? If the list is passed urgently, it must be followed by evidence of the demonstrable case for that urgency.

Hazel Blears: I am pleased that my hon. Friend has acknowledged that, where people have assets, it is important to take urgent action to ensure that those assets are not removed and that organisations do not attempt to change their names, which means that they would no longer be proscribed under the current legislation—we shall attend to that point in the Terrorism Bill, because that loophole must be closed.

My response to my hon. Friend's request for further information is the same as my reply to my hon. Friend the Member for Hayes and Harlington (John McDonnell) and the hon. Member for North Southwark and Bermondsey (Simon Hughes). I will do my best to see whether we can provide such information, but the issue must be placed in the context of the current security situation. I do not want to release information that could advantage organisations whose stated aim is to damage this country. If it is possible to give hon. Members background and context, I shall seek to provide them, but I must draw a line and make sure that people do not know our tactics and strategy.

Dr. Julian Lewis: The Minister is being extremely generous in giving way. A few moments ago, she said that all the organisations on the new list are believed to have some link with al-Qaeda. Reverting to my earlier question about organisations such as the al-Aqsa martyrs brigades, does that mean that she is not putting on the list organisations that are a threat to British tourists abroad, but which are not known to have links with al-Qaeda?

Hazel Blears: The criteria are not as rigid as the hon. Gentleman suggests. The groups on the list are of the highest priority at this time, but the list is not exhaustive and is kept under constant review. If we receive advice that another organisation has become a serious threat, we will revisit the matter. The criteria around groups that are or are not connected with al-Qaeda are not rigid, and if organisations pose a serious threat to the people of this country, either here or abroad, we will review the matter.

The appeal system is important. An organisation that has been proscribed or an individual who believes that he has been affected by a decision to proscribe has the right of appeal. In the first instance, the appeal is to the Home Secretary. If the Home Secretary confirms the decision to proscribe, a further appeal may be made to the Proscribed Organisations Appeal Commission, which will review whether the legal criteria apply and whether the Government and the Home Secretary have properly exercised their powers. The POAC tribunal consists of three senior judges, who are cleared to see sensitive material and who can see the intelligence used by the Home Secretary as the basis for his decision

against a particular group. In closed sessions, a special advocate may be appointed in accordance with our usual arrangements.

As I have said, the Government's prime task is the protection of the public. We want to take whatever action is necessary to ensure the safety of our whole community, irrespective of background, and the powers will be used proportionately and effectively. I have issued a certificate to the effect that I consider that the provisions, which are proportionate and necessary, comply with our obligations under the European convention on human rights. The groups that we are discussing are involved in terrorism and seek to promote the poisonous ideologies of al-Qaeda and its acolytes.

Simon Hughes: Have any of the 25 organisations that have been proscribed to date appealed either to the Home Secretary or, beyond that, to the commission, and if so with what result?

Hazel Blears: Five appeals were initially made to the Home Secretary, who dismissed them all. Three appeals went forward to the tribunal, where they were withdrawn without being heard. I am not prepared to go into any detail about those organisations.

I commend the order to the House and hope that hon. Members will support it this afternoon.

1.37 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I reassure the Minister that the official Opposition will support the order. These are difficult areas, and hon. Members have highlighted the point that it is no light matter for this House to proscribe organisations that may want to set themselves up in this county or that are already operating in this country, if they can be shown to have legitimate aims.

I suggest that a common-sense distinction can easily be made between organisations that seek political change in their country—they might even support freedom fighters—and organisations that support terrorism. The random slaughter of innocent individuals can play no part in the process of trying to bring about political change. The hallmark of the various organisations identified by the Government is that they have engaged in that very activity.

I am mindful of hon. Members' comments about the Islamic Jihad Union. The Government of Uzbekistan undoubtedly leave a great deal to be desired and may properly be described as "a tyrannical regime". The fact that opposition to that regime may manifest itself outside the law is perhaps understandable, but that it should take the form of random suicide bombings that kill innocent civilians must be unacceptable. If this House does not send out a signal that it considers such behaviour unacceptable, we are on dangerous ground.

I understand why the Minister has introduced a list of organisations, but if the Government were to seek to proscribe a controversial organisation about which opinion is divided, they should do it with a statutory instrument that refers to that organisation alone, because the House should not be placed in the position of having to reject an order, despite having a problem with only one small part of it. However, I want to emphasise to the Minister that I am satisfied with the information that she has brought to our notice in respect of the listed organisations.

We have to accept that a great deal of this must be taken on trust. Few of us, unless we are devotees of bizarre websites, are likely to know much about these organisations at all, and we must therefore accept the Government's word that the security services have told them that they pose a danger. However, if one is dealing with an organisation such as Mr. Gulbuddin Hekmatyar's Hezb-e Islami, ample evidence has been presented on numerous occasions on television of his murderous and unpleasant nature.

I do not wish to take up any more of the House's time this afternoon. We will support the Government if the order, for any reason, is put to a Division. The measures are proportionate and reasonable; in many cases, they are truly and urgently needed. Some of these organisations have been murdering fellow Muslims—for example, Ahmadi Muslims in Bangladesh. That was brought to my notice but is not mentioned in the Government's background paper. Harakat-ul-Jihad-ul-Islami is killing Hindus in that country. We should have no truck with them and make it clear that there is no ground for them to have an office, base or organisation in this country. If the order helps to achieve that end, it will be well worth while.

1.41 pm

John McDonnell (Hayes and Harlington) (Lab): The emphasis of our debate, in the past and today, is on the care that is needed in the process of proscription. Many of us are worried that, in the past, the provision of information to the House, based on the intelligence services' activities, may not have been all that it should have been. Whenever it is argued that the organisations that we are proscribing seek to overthrow a legitimate Government, we should have a thorough discussion about the legitimacy of that Government. We must be sure that not all those who are engaged in armed struggle are defined as terrorists. It behoves the Government to provide us with as much information as possible.

We must have as much information as possible on the role of individual states supporting such organisations and the role that those states played in establishing them, funding them and supporting their activities. That includes the role of our Government in associating with certain organisations that are active across the world. The order is largely based on our trusting the information that comes from the intelligence services. There is deep scepticism about some of that information, certainly since the Iraq invasion and the basis on which intelligence decisions were made at that time.

I want to refer specifically to the operation of the system after proscription. I shall give the example of a constituent of my hon. Friend the Member for Ealing, Southall (Mr. Khabra)—Mr. Balbir Singh Bains—whose family reside in my constituency. It is an example of how the system after proscription should not work. In one list we proscribed an organisation called Babba Khalsa, which the Indian Government identify as a terrorist organisation operating in the Punjab and elsewhere. Mr. Bains visited India and was arrested and

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detained as a result of an alleged association with Babba Khalsa. He had no such association, as we proved subsequently, but it took us two years to do so. In fact, he was an active member of our local gurdwara and was much respected in the community in undertaking religious duties and community activities. Then it was alleged that Babba Khalsa was proscribed because of its association with Mr. Balbir Singh Bains, a known terrorist. The argument becomes circular in such cases. His family contacted me two weeks ago and told me that they understand that his name is still identified in association with the alleged terrorist group, which is still identified on the Foreign Office website. I urge the Minister to take that information on board and to try to rectify the matter. In all that we do, we must ensure that we are careful after a proscription is activated to consider its impact on the lives of individuals.

I would welcome an opportunity to debate the process by which information on individual organisations is garnered. I understand the problems about how much information can be provided, but it would be useful if we could at least have more about how much comes directly from British intelligence services and how much is provided by the CIA and others, so that we can gauge the motivation of those judgments and reach our own independent judgment.

I would welcome a longer time scale in terms of the indication of organisations that may be listed for proscription so that we can be more engaged in the debate, if only through informal discussions with the Minister, under Chatham House rules in some instances because of the sensitivity of the information.

I doubt that there will be a Division. Nevertheless, I caution that on every occasion we tread very carefully when we seek to use information from other agencies and Governments in proscribing organisations in a way that will occasionally have such a direct impact on the lives of our constituents and their families.

1.46 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): As became apparent from the interventions on the Minister, it is inevitable that in dealing with such measures an element of trust must be placed in the way in which the Government have gathered information and the use to which they wish to put it. The hon. Member for Hayes and Harlington (John McDonnell) made a point about the transparency of the process and the provenance of information in terms of the nationality of the agency concerned. I hope that as the process evolves—we can expect to deal with more such orders in the months and years to come—the Government will consider that approach.

Liberal Democrat Members do not take substantive issue with the substance of the order, although we have some reservations, to which I shall turn. As my hon. Friend the Member for Somerton and Frome (Mr. Heath) said in business questions earlier, we have strong reservations about the manner in which the Government have introduced these measures. Introducing an order listing 15 specified organisations in a circumstance where debate is limited and there is no opportunity for amendment could have put the House in a very difficult situation. As it happens, we do not have any substantive information that would contradict the information that the Minister has helpfully supplied in her letter, but that is a happy circumstance and would not necessarily apply in every case. When I first approached this matter, I shared the unease that was expressed by the hon. Member for Carmarthen, East and Dinefwr (Adam Price) about the listing of the Islamic Jihad Union. Indeed, I continue to feel uneasy about the inclusion of that group among the list of 15. If it had been the subject of a specific order, there would have been greater opportunity for the House to scrutinise its inclusion.

I hope that nobody outside the House will be in any doubt about the view that we take of the Karimov regime, which is entirely despicable and despotic. The Minister's PPS, the hon. Member for Ealing, North (Stephen Pound), recently did a brave and laudable thing in going there and bringing to the attention of the regime the revulsion that we all feel. I know that the hon. Gentleman and I share a concern about the practice of the Uzbek Government with regard to the operation of the death penalty. The Government's signals to the Uzbek regime have not always been helpful. I am thinking especially of their treatment of my old friend, the former ambassador to Uzbekistan, Craig Murray, who has done us all a great service in graphically highlighting the appalling human rights record of the Uzbekistan Government.

It is often said that because of the challenge posed by al-Qaeda the rules are different and are constantly rewritten. Al-Qaeda is a diffuse and ever-changing organisation. Even with the changes, to which the Minister referred, that intend to ensure that successor organisation are caught by orders such as the one that we are considering and that an organisation could not avoid them simply by changing its name, it will be difficult for the Government to establish that an organisation is a successor organisation. We must recognise that orders can take us only so far in dealing with the challenge that is posed to our country. We must also acknowledge that we require something more than proscription of organisations such as those on the list. We now need resources so that we can play the individual rather than the team.

The order is useful inasmuch as it may prevent attacks by terrorist organisations here. We should neither underestimate nor overstate its importance, whether the implications of the organisations' actions are felt in this country or elsewhere in the world. No one should be under the illusion that the order is anything other than a small weapon in the armoury in the fight against terrorism. I believe that we can expect a great deal more in the future. We are not minded to oppose the Government but I hope that, as the procedure becomes more frequently used, they will listen to what hon. Members have said today.

1.52 pm

Alan Simpson (Nottingham, South) (Lab): I, too, doubt whether there will be a Division on the order. However, if there were, I would find it difficult to vote for it. That is not to offer endorsement of or support for any one of or all the organisations on the list. I believe that fundamentalist organisations are, by their nature, barking mad and would be thrown out of any sensible society. That is my approach to fundamentalism.

I am, however, worried about three matters: our responsibilities in the democratic process; the nature of the threat; and the consequences of simply adding names to a proscribed list without due processes of proper parliamentary scrutiny. In considering the organisations that are listed, one of my starting points was to ask what we knew about the involvement of any of them in the current risk or threat to the United Kingdom. So far, 895 people have been arrested and detained under the Terrorism Act 2000, of whom 55 per cent. were released without charge, 15 per cent.—138 people—were charged and 2.5 per cent., which makes a grand total of 23, were convicted of offences.

I have not been able to find out from the Library or the Home Office whether any of the organisations on the list have been involved or implicated in any of the charges, detentions or convictions under the Act so far. When we put names on a list of proscribed organisations, it seems reasonable to ask what evidence we have of the involvement of any of them in current actions that have threatened the security of the United Kingdom. To be unable to get an answer to that is deeply worrying in the democratic process. How can we as a Parliament draw up a list of organisations that we propose to proscribe when we cannot even tell Members of Parliament whether we have any evidence to show that those whom we have arrested under our anti-terrorism legislation have any connections with them? It would be helpful simply to know the answer to that.

Simon Hughes: The hon. Gentleman will anticipate that I support his view of the process; it is entirely compatible with the position that my colleagues and I have always taken. Does he agree that we could do better if, before the House was asked to debate and vote on such an order, we asked the Intelligence and Security Committee, the Joint Committee on Human Rights and the Home Affairs Committee to do some work for us to prepare the ground? It would be better, even if we had only one debate, because we could vote on each organisation separately on the basis of some consideration by colleagues with the time to do it before the Government brought their proposal to the House.

Alan Simpson: That was precisely the point that I was about to make. When we debated the initial proscribed list, many of us made the same points. We said that Parliament had been presented with a complete list and that we were unable to consider individual organisations on the list and vote on them separately. We were told that there was provision for appeals, but that is not the same as a parliamentary right to exercise a parliamentary judgment on the legitimacy of a case for inclusion.

It is dangerous for the democratic process if we start on a path of assuming that Parliament has a right to make lumped-together decisions on composite lists without adequate scrutiny. I would be happy if the list had gone through a separate Committee scrutiny system in the House. I would be happy if there had been a fuller debate in which we were allowed to exercise our judgment organisation by organisation. I might not have liked the decisions that were reached, but at least I could have been confident that our responsibilities for the democratic process had been properly exercised. However, the House is not going about matters in that way and that takes us into dangerous waters, as illustrated by the case that my hon. Friend the Member for Hayes and Harlington (John McDonnell) mentioned.

I am worried by the point that the hon. Member for North Southwark and Bermondsey (Simon Hughes) made about organisations on other people's lists. The House has a right to be told what representations other Governments have made to the UK Government about including organisations on a proscribed list. I suspect that if we looked at the United Nations list, it would contain some organisations whose proscription would be unwelcome to the United States of America. I suspect that we do not include any of those organisations on our list. We have a proscription list that is friendly for the current US Administration. There is a dreadful lop-sidedness to that sort of approach.

If we go through the list, we see that many of the organisations go back to the 1980s. We were not presented with them in the first or the second proscribed list and we must ask what has changed to require their addition to our list of known risks or threats to the UK. The list is littered with expressions such as "have the potential to", "have the capacity to", "they have anti-western views" or "they have anti-American views". Many of us have similar inclinations, but that does not make us terrorist organisations. I was relieved to note that the Socialist Campaign Group was not on the list. [HON. MEMBERS: "Not yet."] Indeed. I would not rule it out for all time.

John McDonnell: As the chair of the Socialist Campaign Group, I should like to say that, so far, there has been no indication of that happening, thank God. Is there not a sweet sense of irony, however, that the first group on the list is the Libyan Islamic Fighting Group, which has been seeking the replacement of the current Libyan regime? The CIA has been trying to achieve that for nearly 25 years.

Alan Simpson: I am well aware of that. We might also look at Harakat-ul-Jihad-ul-Islami, an organisation originally formed to fight the Soviets in Afghanistan. I suspect that, at that time, no one would have described it as a terrorist organisation. It was almost certainly founded with the covert backing of the CIA, and would have received direct funding from the CIA for its heroic acts of resistance to the Soviet occupation of Afghanistan. However, now that circumstances have changed and that group's hostilities are directed towards those whom it regards as the current occupiers of that country, it has become a terrorist organisation. Parliament must exercise greater judgment and scrutiny of the legitimacy of current threats and the impartiality of the lobbying that we receive from other Governments to add organisations to our list.

Two of the criteria for inclusion on the list apply to organisations whose principal aim is to overthrow legitimate Governments and to those that advocate armed struggle or the killing of the leaders of such Governments or of the Administrations that run their country. Bearing in mind those criteria, I would urge people to look at the website of the Christian Coalition of America, which is run by Rev. Pat Buchanan, who actively and openly advocates the assassination of President Hugo Chávez of Venezuela. If we are to be

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consistent, we should consider imposing a proscribing order on the Christian Coalition, too. Those who actively advocate the assassination of democratically elected leaders of Governments, and whose organisations platform such ideas openly on their websites, ought to be included in the banning order. The thing is, they are not Muslims. We take a very different view of Christian fundamentalists, including those who advocate armed insurgency and the killing of nationally elected leaders, because they are somehow part of civilisation. I worry when, at each stage of a banning process, we are faced with a list of organisations whose crime has been to shift allegiance from pro-western terrorism to anti-western terrorism, and which excludes organisations that advocate precisely the same acts of terrorism against regimes that the west does not like.

Mike Gapes (Ilford, South) (Lab/Co-op): My hon. Friend is in danger of undermining the validity of his case. I should like to cite an example from the list: Harakat-ul-Jihad-ul-Islami (Bangladesh). According to the list, that organisation

"targets progressive intellectuals and secular politicians who ideologically challenge the path of the radical Islamists. It also criticises NGO activity as un-Islamic because these organisations are involved in spreading Western ideas of women's empowerment and social transformation."

My hon. Friend is trying to create a caricature. I would argue, however, that since 9/11 and the attacks in July this year, we face a new situation. There are international links between many of these organisations, and by trivialising the issue he is not taking it seriously.

Alan Simpson: I reject that. I return to the basis of my argument, which is that the House is trivialising the process because we are not being allowed to vote on each of these organisations one by one. I have no hesitation in saying that there are organisations on the list that I would vote to ban. However, there are others about which I would want to defer my decision and to ask questions. The refusal to give Parliament the right to make selective judgments, organisation by organisation, case by case, allows us to do nothing other than make a blanket judgment on a list that cannot be amended.

Mr. Grieve: I do not think that the hon. Gentleman is trivialising the matter at all. Indeed, the points that he makes are perfectly legitimate. Perhaps we are being too selective in the organisations that we are banning. The need for extra parliamentary scrutiny—a difficult matter, given that so much of this information comes from the intelligence services—is desirable. Otherwise, we shall not be able to persuade people of the need to take these steps. That is a very serious democratic deficit.

Alan Simpson: That is pretty much the point on which I want to end. I do not want to focus on the case for or against proscribing specific organisations on this list. I want us to look at our responsibilities as a Parliament. How can we exercise our duty of scrutiny? Our duty is to exercise specific judgments case by case, to see whether we ought, quite properly, to include organisations on a list such as this.

Simon Hughes: I share the hon. Gentleman's views on this issue, and I also happen to be a member of the Christian Church. I believe that we do inter-faith and inter-community relations a disservice if we take a differential view. That is why, when we debate the Equality Bill, which will come before us soon, we must remember that protecting one faith in this country while not giving protection to the others represents a fundamental flaw in the equality with which we should treat all these issues in Parliament.

Alan Simpson: I want to finish on this point. We have a duty to ourselves to insist that the way in which we approach the scrutiny of organisations to be included on proscribed lists has to be more selective. I appreciate the difficulties involved in subjecting some of the claims to proper scrutiny, but it cannot be beyond the wit and wisdom of Parliament to set up mechanisms for due diligence questioning. We do not have any such mechanisms as we try to deal with this list today. Doubts will remain as long as we continue to produce these lumped-together lists that we cannot revisit. They cast a shadow of doubt over the fairness, the even-handedness and the wisdom with which Parliament deals with this process.

2.7 pm

Patrick Mercer (Newark) (Con): I am grateful for being able to make a small contribution on the most important and dangerous subject facing Parliament at the moment. I am also grateful to be able to endorse the views of my Nottinghamshire colleague, the hon. Member for Nottingham, South (Alan Simpson). He has just made an extremely important contribution, which was not trivial in any way, shape or form. I welcome this opportunity because, like the hon. Gentleman, I believe that these organisations need to be considered in detail. We need to have time to debate what they stand for. We should not simply take a block of names, philosophies and confused ideologies, give them a convenient tag, and write them off. We need to look at the matter in detail.

I shall not oppose the Government today, and I praise the dispatch with which they have now chosen to move, but I wonder why they have taken so long to ban one, two or possibly three organisations that, so far as I can see, probably represent the same thing. I am concentrating particularly on the organisations that call themselves Ansar Al-Islam and Ansar Al Sunna. The Minister might equally have put on the list al-Qaeda in the Country of Two Rivers, and a series of other names by which these organisations go whenever it suits them.

It is an aphorism I know, but we are not considering concrete organisations. We are considering ideologies and organisations that have more in common with a piece of mercury, which, when hit with a hammer, will split into various different parts and spring up enormously dangerously. As we are concentrating on those organisations—which, it is fair to say, owe their allegiance to Abu Mussab al-Zarqawi, the gentleman who brings us on the television screen the charming views of Britons' heads being sliced off with bread

knives, who is such an expert in handling the media that when we lose one of our aircraft, whether to friendly fire or enemy fire I do not know, he has his cameras on the spot within minutes and those images projected across the world within hours, and who runs a propaganda machine far in advance of anything that we seem to be able to handle in countering his particular threat—I wonder why this individual has not had more interest shown in him and his organisation before now.

Without making any judgment on the rights or wrongs of the Iraq war, I am interested to hear those criticisms that spring up, saying that the war has made us more vulnerable to terrorist attacks since we engaged in it. Let me point out that those organisations, Al-Islam and Al-Sunna, brought us the January 2003 ricin attack—please note, before we went to war in Iraq. That organisation, I suggest, leaves al-Qaeda as we believe it to exist in the shadows. It is a long way in advance of some of the amateurish operations that we have seen from that group. That organisation tried to use weapons of mass destruction, and I use the phrase advisedly, on the mainland of this country as long as three years ago. If the newspapers are to be believed, it was active as recently as last weekend and its suspects are in custody. Whether they will be charged, released or released on control orders I have no idea. While I am delighted that the Government are getting a move on from this particular point, why has it taken so long to address those two, three or four groups, whatever they might call themselves?

I challenge the Government to go a step further. Many of us have ignored the problem of terrorism—writing it off, thinking it would never happen in this country and that the study of it was too difficult. Well, it has happened. We have had the events of 7 July and 21 July. Possibly, something was planned for last weekend. Certainly, the arrests that followed suggest that we are still very much in jeopardy. Given that a debate on emergency planning is coming up later next week, I ask the Minister why all we see from the Government is lists of names and suggested legislation. Why do we not see concrete methods for the prevention and suppression of terrorism?

The Minister talked eloquently about those organisations on this list of names adding to the hostile environment. There are a million things that we could do to make terrorism that much more difficult to demonstrate inside this country, but I come back to the point made by the hon. Member for Nottingham, South: we need to raise our awareness of it in the House and to ensure that our public understand what the threat is. With the greatest respect to my hon. Friend the Member for Beaconsfield (Mr. Grieve), we must not think that these are a series of bizarre websites with bizarre names that we do not understand. We need to understand them.

We the public—not just here in Parliament, but on the street—need to understand what the threat is. We must not just proscribe those organisations, but have a campaign for public information and public training that makes people understand what the threat is and know what to do about it. We have done this a million times before. For instance, I could ask the Government what their approach is on flooding. They are taking it extremely seriously, telling us what the danger is and how to cope with it.

I shall finish on this point, if I may. This is not just a question of proscribing organisations, although that will help, and laying down laws, which might help, although I have yet to see a suicide bomber who would have been deterred by a law. We must have concrete measures, we must ensure that our people understand the dangers and know how to deal with them. We will be attacked again. We must ensure next time that we first make things more difficult for our enemies and that casualties are minimised.

2.15 pm

Hazel Blears: I am grateful to hon. Members for the tone and way in which they have responded to the presentation of the order. Some serious and significant issues have been raised, and I shall endeavour to deal with them as far as I can. If any further detailed information is required, particularly by the hon. Member for North Southwark and Bermondsey (Simon Hughes), I shall try to ensure that we provide it.

Several Members asked whether we could have had a debate on a single organisation, or perhaps separate votes on single organisations. As I understand it, the procedure we have adopted today is that set out in the Terrorism Act 2000. This procedure is the normal way in which such things are brought forward, but I am conscious of the fact that the hon. Member for Beaconsfield (Mr. Grieve) in particular raised the issue of an organisation over which there is controversy rather than a degree of consensus around the House in relation to the order. I undertake to look further into it. I cannot say that we will necessarily do as we have been asked, but I am conscious of the strength of the argument. No Member would welcome the prospect of 15 separate votes on such an order—that clearly would not be sensible—but I am conscious of Members' feelings.

The hon. Member for Hayes and Harlington (John McDonnell) and my hon. Friend the Member for Nottingham, South (Alan Simpson)—not that the hon. Member for Hayes and Harlington is not my hon. Friend; I have two hon. Friends sat behind me—asked whether these organisations are simply fundamentalist, what the depth is of the activity they are engaged in, how we can get more information and what the role of Parliament is in scrutinising such orders. Again, I understand the point, because all Members of Parliament feel a strong duty in wanting to be able to take a view on behalf of their constituents and in terms of their role generally.

Inevitably, I am constrained by the fact that these are matters of huge sensitivity involving desperately sensitive intelligence information, which, if in the public domain, could reduce our ability to withstand the threat of terrorism that faces us. I say to both my hon. Friends that for the Home Secretary to come forward with an order of this nature, he has to be satisfied that these people are not just expressing fundamentalist views, but are concerned in terrorism. We have a definition of terrorism, which is about violence, and he is satisfied that all these organisations—in one way or another in terms of their links to organisations and the activities they are engaged in—are concerned in terrorism.

So, this is not simply a matter of free speech or people expressing views. There is a hard definition in the 2000 Act that these groups have to be concerned in

[Hazel Blears]

terrorism for them to meet the proscription criteria. I ask my hon. Friends to think about that. This is not an academic debate about what people are saying on which we can all take a view; it is a real situation, as the hon. Member for Newark (Patrick Mercer) said. We face a serious threat and these people are concerned in terrorism. The hon. Member for Beaconsfield talked about the fact that people have been murdering other people. That is one of the reasons they are included.

John McDonnell: When we come to the debate on the Terrorism Bill, proscription will be on the grounds of statements that glorify or exalt, so it will be on the basis of statements made in the future.

Hazel Blears: Yes, and I hope to say a word or two about the Terrorism Bill before I conclude.

Mr. Grieve: I perhaps did not touch on one matter in my speech, but I would be grateful for the Minister's response. We have been talking about websites, and I pointed out that many people, unless they try to access the websites of these organisations, will be ignorant of them. What becomes the status of such websites in British law once proscription has taken place, and what powers do the Government have to try to remove those websites as a result of proscription?

Hazel Blears: Any organisation that provided or displayed support, or any individual who displayed support, for an organisation that was proscribed would be committing a criminal offence. Therefore, wherever the publication was—in a book or on a website—it ought to fall within those criteria. But the hon. Gentleman knows that there is often difficulty in dealing with matters involving the internet, because although prosecutions can be brought against domestic website hosts, it is sometimes more difficult to instigate prosecutions around foreign servers. That is a problem we face not just in this field, but when we deal with issues such as paedophilia and selling illegal products.

Yesterday, I discussed the problems relating to selling guns on the internet, which is an easier issue for companies to deal with domestically than abroad. The Terrorism Bill will include provisions to deal with dissemination of material and websites. This illustrates the need for absolutely first-class co-operation between different countries in the international community, so that we can act together rather than individually.

The hon. Member for Orkney and Shetland (Mr. Carmichael) raised again the issue of transparency of process. I take his point, and it is important that we are as transparent as possible. I do not know what other jurisdictions do when they have their proscription debates, but the explanatory memorandum provides a fair degree of information and transparency for Members. He said that proscription will not solve the problem, which I entirely accept: proscription is simply another tool that we can use to try to create a hostile environment for terrorists in this country. I well remember our controversial debates about control orders and whether those would provide a hostile environment for terrorists in this country, on which people took different views. A range of powers are available, and we must look to use as many powers as we can to protect this country. Therefore, proscription is a useful power, but it will certainly not resolve the situation overnight. We should not hesitate to use it, however, when applicable. I hope that Liberal Democrat Members will support our Terrorism Bill provisions that seek to strengthen our powers against terrorism and to provide such a hostile environment.

My hon. Friend the Member for Nottingham, South raised the question of whether all the organisations concerned were on the American list. My information is that Al Ittihad Al Islamia is proscribed by Canada but not America; Hezb-e Islami Gulbuddin is also proscribed by Canada; Lashkar-e Jhangvi is proscribed by Pakistan, America, Canada, Australia and the UN; Sipah-e Sahaba Pakistan is proscribed by Pakistan; and the Libyan Islamic Fighting Group is proscribed by the US but also by Canada and the UN. Therefore, we are not simply receiving representations from America about the need for proscription. It is important to put that on the record.

Although we are considering Islamic extremist groups today, groups from a range of different faiths and backgrounds have been proscribed in the past: ETA; the International Sikh Youth Federation; Babbar Khalsa, a group campaigning for the Sikh homeland; and the Liberation Tigers of Tamil. Therefore, it is right to emphasise that this is not simply about proscribing Muslim groups. It is about trying to see where the threat is, and taking appropriate action to meet the level of threat that faces us. I would not want to give the impression that we are acting in any other way. Fourteen different Irish groups are also proscribed, so proscribed organisations are from many different religious backgrounds and none.

The hon. Member for Newark stressed the importance of the public being aware of the nature of the threat, which he is right to do. I have had many debates with him [illegible] it is also right that the public should be alert [illegible] not alarmed. A balance must be struck, and we are seeking to use all the tools at our disposal to make [illegible] the most hostile environment possible for terrorists and to have sensible powers that strengthen our ability to disrupt, prosecute and bring terrorists to justice in our country.

I am very pleased by the tenor of today's debate, and as we move into debates on the Terrorism Bill in the next few weeks, I hope that we can continue that constructive engagement and that we will have some extremely good law at the end of the debate.

Question put and agreed to.

Resolved,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2005, which was laid before the House on 10th October, be approved.

Combating Benefit Fraud

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Plaskitt.]*

2.24 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I am very pleased to have this opportunity to open an important debate on combating benefit fraud. I want to set out the Government's progress to date and the challenges that we still face, and I welcome the opportunity to give an initial response on some of the issues raised in the report of the Public Accounts Committee published earlier this week.

Today sees the publication of our document "Reducing Fraud in the Benefit System: Achievements and Ambitions", announced by written statement to the House this morning. This document outlines our achievements to date, as well as acknowledging that there is more that we can do to reduce fraud even further, and describes our plans to maximise the use of technology and data matching across the Department and other sectors. I hope that hon. Members have taken the opportunity to collect a copy of the document from the Vote Office.

Mr. Paul Goodman (Wycombe) (Con): When a figure in the document assesses the level of fraud in one year, and compares it with the level of fraud in another year, are those figures always drawn up on a comparable basis?

Mr. Plaskitt: I draw the hon. Gentleman's attention to the annexe at the back of the report, which I hope that he has had time to study, which explains that we are constantly trying to refine the way in which we measure fraud. It is important that we get the measurement as accurate as possible. He is therefore right that, over time, the base moves, but only because we are getting more accurate measurements. That stands in rather stark contrast to the record of the previous Government, which, for their first 15 years in office, did not even have an accurate measurement process under way.

Mr. Paul Goodman: The Minister is therefore claiming that at no point in the document published today is a figure used in such a way as to suggest mistakenly that it is comparable one year with the other.

Mr. Plaskitt: No, I have not said that. It sounds to me as though the hon. Gentleman should really study the annexe very carefully. As I progress through my opening speech, he will see that there are areas in which we can do perfectly accurate like-for-like comparisons. At the back of the report, however, we explain extremely openly how we are changing some of the measuring methodologies, and it is right that we do so, because if we have an accurate measure of what we are trying to address, we are more likely to have the right tools to address it.

It has been many years since this issue was last debated in the House. The vast majority of our constituents are rightly angered by the activities of benefit fraudsters. Benefit fraud is theft—theft from the public purse, from neighbours, and from hard-working, law-abiding taxpayers. Like us, the vast majority of our constituents also believe in the rights and responsibilities agenda and want the benefits system, which is after all designed to assist those most in need, to be free from abuse. We are seeing success in meeting that objective: benefit fraud is falling. That is due to the success of our policies and to the hard work of our staff in the Department and in local authorities. I am happy to take this opportunity to thank them for their dedication and commitment to helping us to reduce benefit fraud.

I want to describe some of the strategies we have used that have made it possible for us now to state that fraud constitutes less than 1 per cent. of total benefit expenditure. Our latest estimate of fraud stands at about £900 million—less than £1 billion, for the first time since proper measurements began. It is beyond doubt that we have made progress, but we are in no way complacent. The amount lost through benefit fraud is still too high. There is no place for fraud in the benefit system, and we will detect it and punish it where we find it.

Let me outline the problems that we faced back in 1997. This is relevant to the intervention from the hon. Member for Wycombe (Mr. Goodman). A few measurement exercises had been carried out then, but no systematic attempt had been made to estimate the amount of fraud in the benefit system. There was no end-to-end process to prevent fraud from entering the system. Indeed, the phrase "programme protection", meaning protection of the benefit spend throughout the life of the claim, was virtually unheard of and infrequently applied. That could not continue.

The Public Accounts Committee and the National Audit Office rightly took our Department to task. I am pleased to say that Ministers and the Department received their criticisms positively, and will continue to do so.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): In each of the last 15 years the National Audit Office has qualified its assessment of the Department's accounts because of problems relating to benefit fraud, and because of errors in the benefit system. What discussions has the Minister had with the NAO about the level to which fraud and error would need to fall before the NAO could finally give an unqualified assessment of the accounts?

Mr. Plaskitt: It is true that the NAO has not signed off the accounts for 15 years because of the amount of fraud and error that has been reported. It should be noted, however, that the NAO is now complimenting the Department on what it is doing to improve the measurement systems. As I told the hon. Member for Wycombe, as long as we continue to refine those systems and are clear about where fraud occurs and how we should deal with it, we shall be more successful in dealing with it, and can expect fraud levels to fall.

Mr. Paul Goodman: I thank the Minister for being so generous in giving way. He says that the level of fraud has fallen. What has happened to error, which is dealt with on page 26 of his document?

Mr. Plaskitt: The hon. Gentleman is right to point out that we still face a considerable challenge in that regard.

[Mr. Plaskitt]

If he will bear with me, I shall deal with error at length in a moment. If what I say does not satisfy him, he is more than welcome to return to the subject.

The fourth PAC report on fraud and error in benefit expenditure was published on Tuesday. I acknowledge the existence of the issues that it raises. We are working to simplify benefits wherever possible, and the Green Paper on welfare reform, which will be published in the autumn, will outline our vision for a reformed and simplified benefit system.

The report published on Tuesday refers to the 2003–04 accounts. While we welcome the report, it is important to recognise that things have moved on over the last 18 months, and that we have published more up-to-date figures for fraud and error loss than is mentioned in the PAC report. The Department has also made progress in several areas that the report does mention.

We have now improved our estimates of fraud and error, which are accurate to the nearest £100 million rather than the nearest £500 million—which the PAC report mentions and, rightly, criticises. We have begun to benchmark our performance against that of other organisations, as the report suggests. We are, however, proud of our reputation for being at the forefront in the development of estimates of welfare fraud loss, which has been recognised by the NAO. We now use the private sector in debt recovery, as the PAC recommended. Initial performance since April 2004 has been promising, with more than £5 million of benefit debt recovered by the contractors. We accept that there are areas in which we should consider simplifying the benefit system, and we intend to build on that in the forthcoming welfare reform Green Paper.

Miss Anne Begg (Aberdeen, South) (Lab): Will the Minister take this opportunity to re-emphasise that when someone on incapacity benefit, for instance, is invited for an interview to establish what job opportunities may exist, there is no implication that that person is guilty of benefit fraud?

Mr. Plaskitt: I am happy to give my hon. Friend that reassurance. I am sure she will find that it is reiterated in the documents that are due to appear in the not too distant future.

Vera Baird (Redcar) (Lab): I apologise for not being here at the beginning of my hon. Friend's speech.

My hon. Friend mentioned the use of private contractors to recover debt. I am anxious to know whether they are used to recover debt from people who are still on benefit, or only to recover it from people who have been deeply criminal, are not on benefit, and have other resources from which recovery can be made.

Mr. Plaskitt: In most cases, we are using private debt collectors to go after the debt that has proved most difficult for officials in our offices around the country to collect. It is just one part of the armoury against fraud and people acknowledge how important it is to do our best to collect debt.

Understanding the extent of the problem was one part of our strategy from the outset. Our measurement systems are able to tell us where the main areas of fraud occur. We can also publish estimates for the total fraud loss in the benefits system and I have already said that we currently estimate fraud loss to be less than £1 billion and equivalent to 0.8 per cent. of total benefit expenditure. We used our understanding of the problem to develop our strategic direction.

The strategies that we are pursuing were first articulated in the 1998 Command Paper, "Beating Fraud is Everyone's Business", and further described in the 1999 Command Paper, "A New Contract for Welfare: Safeguarding Social Security". Those documents provided the foundation of the development of our policies and much of what they said still holds true today.

Also in 1998, the Government set themselves targets in the form of public service agreements to reduce the proportion of fraud and error that led to overpayments in income support and jobseeker's allowance. Evidence suggested that those benefits were the most vulnerable to loss, so we have measured the levels of fraud and error in income support and jobseeker's allowance continuously since 1997, which was not done before. Our measurement systems produce results, which are published as national statistics.

In 2002, we also set ourselves a public service agreement to reduce loss in housing benefit—another vulnerable benefit—and a service delivery agreement to reduce loss in pension credit. All our most vulnerable benefits are measured continuously and can provide our best estimate for showing changes in levels of fraud over time.

Mr. Nigel Dodds (Belfast, North) (DUP): To put levels of fraud and error in context, can the Minister provide an estimate of the amount of non-take-up of benefits in the system? Many who are eligible do not actually claim the benefits to which they are entitled and it would be helpful to have the figures on that.

Mr. Plaskitt: It is entirely right and proper to have a debate on fraud in the system, which greatly concerns our constituents, but the hon. Gentleman has provided me with an opportunity to stress that my Department is just as concerned about constituents who are entitled to benefits but do not receive them. I am particularly concerned about pensioner take-up of council tax benefits and we are piloting a number of different schemes around the country in order to improve that take-up. Those pilots appear to be proving quite effective. It is just as important that our constituents who have a benefit entitlement should receive it: that is what the system is there for—to provide the help. It is right to think of both aspects together, as everyone in the benefit system and all recipients also expect us to do the best we can to remove fraud. The hon. Gentleman is quite right to raise that issue. We also publish the results of one-off exercises that report levels of fraud and error in other benefits that we administer. Again, those are published to National Statistics standards.

All those exercises contribute to the overall figure of fraud loss in the benefit system. As I said, the NAO has complimented us on our measurement systems, but we

are continually looking at ways to improve estimates and provide results more quickly: we work closely with the NAO to achieve that. For example, we are refining the way we measure income support and jobseeker's allowance and will be able to produce a revised baseline, which reflects how we administer our benefits more closely, for the next public service agreement. We have a good record to date on reducing levels of fraud in IS and JSA. Since 1997, we have reduced levels of fraud in those two benefits by two thirds.

Our initial public service agreement target for income support and jobseeker's allowance was to reduce levels of fraud and error by 33 per cent. by March 2004, from the initial baseline measured in 1997. Our achieved reduction of 37 per cent. means that we exceeded that target, and we have set ourselves an even more ambitious one: we now aim to reduce fraud and error by 50 per cent. from the initial baseline by March 2006. Our latest figures, published for the period up to September 2004, show that we have already reduced fraud and error by 41 per cent. Achieving the remaining 9 per cent. reduction remains challenging, but I am optimistic that we will do it.

I shall now set out what we did on the ground to achieve that reduction, how we persuaded our customers and the general public that benefit fraud is a crime, and how we enabled our staff to prevent and detect it.

In summary, we did that by adopting an end-to-end approach—by getting the benefit right at the outset and then keeping it right once it was in payment. We also put benefits right when there were signs of clear abuse or error. We supported local authorities in their fight against fraud and error, and reduced our vulnerability by pursuing a welfare-to-work agenda.

We also used the measurement exercises outlined earlier to identify the areas that we needed to address first, and where we should deploy the majority of our resources. For example, with income support and jobseeker's allowance, the practice of "working and claiming"—that is, concealing paid employment while drawing benefit—accounts for a large proportion of fraud loss. By targeting our resources in this area, our estimate of fraud in working and claiming has been reduced by around 70 per cent. between 2000 and 2004.

Getting the benefit right at the outset is of great importance—both to us, as administrators of large amounts of Government money, and to our customers, who need to know that they are being paid the correct amount. We made more rigorous the checking process in the Department on new claims, especially for income support, and we did the same in local authorities, which administer housing benefit. We introduced additional checks on claims that carry a higher degree of risk—a theme to which I shall return later—including making visits to our customers' homes to check their circumstances at first hand.

Most importantly, we have ensured that the principles of programme protection are embedded in staff roles throughout Jobcentre Plus. For instance, in Jobcentre Plus, we now have over 2,500 financial assessors, who make sure that the customer is paid the correct amount of benefit, and 1,300 national insurance number allocation officers, who help prevent identity fraud. Those staff are in addition to our fraud investigation officers, and are also solely responsible for safeguarding benefit expenditure.

In addition, of course, we are maintaining the numbers of front-line fraud investigators. We are building on our successes by creating a new, nationally organised service of 2,000 investigators, who will concentrate on criminal law investigations. Also, 1,000 front-line compliance officers will bear down on lower level fraud and non-compliance, making a strong link between detection and prevention. We are not reducing the levels of front-line staff, but refocusing to maintain the number of sanctions while gaining efficiencies in the process.

We have also put more effort into keeping benefit right once it is in payment. We employ data matching, using our information and that of other Departments, to detect claims that have become incorrect. We have worked closely with Her Majesty's Revenue and Customs in this matter. Since 2000–01, the amounts of overpayments identified through data matching with HMRC have nearly doubled, to just under £40 million per year.

By means of data matching we identify nearly 130,000 incorrect claims within the Department a year, and local authorities identify an additional 65,000. We are also using increasingly sophisticated technology and analytical techniques to risk-profile the types of cases that are more likely to become incorrect, and we correct them when they do. We also want to make use of additional data sources, and I shall outline our plans in that respect in a moment.

We invested in professional training for our investigators, developing an intelligence-led approach to investigations, and introduced new powers to combat fraud in the Social Security Fraud Act 2001. Our investigators can now access suspected fraudsters' bank accounts and other financial institutions, and there were nearly 40,000 requests for such information last year. We updated our policy on sanctions, including the commencement of cautions and administrative penalties. That ensures that we maximise the deterrence effect as there are a variety of penalties that we can impose for even small offences. In 2004–05, we penalised nearly 43,000 people for benefit fraud—a fourfold increase from 1997. We also now use the Proceeds of Crime Act 2002 to confiscate the assets of major benefit fraudsters, and we recovered more than £2 million in 2004–05.

We support local authorities in their fight against fraud and are pleased with their success to date. Reducing fraud and error remains a considerable challenge in housing benefit, and we will continue to work with them to reduce it further. We have also introduced the national anti-benefit fraud advertising campaign to deter people from committing benefit fraud, and increased the capacity of the national benefit fraud hotline to receive information from the public about benefit fraudsters. The hotline has proved to be very cost effective. For every £1 spent on running it, we identify more than £9 of defrauded benefit. We welcome the support from the public—our constituents—and want that to continue. We are working to increase the capacity of the hotline still further as sometimes callers are unable to get through. That is not acceptable, and we are taking steps to address that. Soon the hotline will be

[Mr. Plaskitt]

part of our national contact centre network, which will increase the number of people able to take fraud referrals from the public.

Mr. Paul Goodman: Can the Minister remind the House of whether the number of calls answered by the hotline last year rose or fell?

Mr. Plaskitt: The number of answered calls was remarkably steady, at around 200,000. There are slight fluctuations that tend to coincide with the publicity campaigns. If the hon. Gentleman reads the report we have published today, he will see that we get a surge in calls when the campaigns run on television and in newspapers. The fluctuations in the graph, which is published in the document, tend to coincide with the anti-fraud campaigns, and it is encouraging that they seem to spark renewed public interest and commitment that lasts for some time.

By getting people off benefits and into paid employment, our welfare to work policies helped to reduce exposure to fraud and error. Adult long-term unemployment has been reduced by more than 75 per cent. since 1997. The Government have outlined their ambition for an 80 per cent. employment rate for people of working age: we firmly believe that work is the best form of welfare.

I have outlined our record of achievement on reducing benefit fraud, and we know that the strategy works. However, there is still more to do. As I have said, the cost of fraud in our system is still too high. Fraud can be reduced still further and we have plans in place to ensure that it will be. We will continue to set ourselves challenging targets to reduce fraud, and we will continue to improve and refine our measurement systems to gain a more accurate picture of levels of fraud in the benefit system and where and when it is most likely to occur. That will be achieved through the public service agreement and the spending review process, and specific targets for Jobcentre Plus, which will be agreed by Ministers each year.

Miss Begg: Will the Department for Work and Pensions work with other Departments, particularly the Treasury, on the problem of fraud perpetrated by people with more than one national insurance number, and would data matching improve matters? Does my hon. Friend have an estimate of the proportion of benefit fraud due to identity fraud and the difference that a gold-standard ID card would make in ensuring that the same person cannot make multiple claims?

Mr. Plaskitt: I thank my hon. Friend for at least three questions, which I shall try to pick up. She is perfectly right to point out the importance of data matching with information held by the Treasury. That certainly assists us and we have plans to do more such work. She is also right to point out that some fraud arises through duplicate national insurance numbers. Our Department has held a cleansing operation on the NI number database and it is much better than it was. She is certainly right to point out that the introduction of national identity cards and the unique specific identifier will be of significant further help to us in that respect. Finally, she asked me whether we had an estimate of the extent of fraud in the benefit system due to fake and false identities. We estimate that to be between £20 million and £50 million. We anticipate that the introduction of the unique identifier that will come in with the card will certainly help us make considerable progress in reducing that element of fraud in the system.

Mr. Paul Goodman: On the point about identity fraud, will the Minister tell us the Government estimate of the total amount of such fraud as a percentage of the whole?

Mr. Plaskitt: As I have just said, we estimate that the loss to the benefit system as a result specifically of identity fraud is between £20 million and £50 million out of a total fraud loss of £900 million. I shall leave the hon. Gentleman to push the keys on his calculator and work out the percentage for himself.

We need to work more efficiently across the whole Department to use the technology available to us to stop fraud earlier, before it enters the benefit system, or as soon as possible afterwards. We are working to ensure that we receive information from other Departments more quickly.

As I said earlier, we will increase our ability to data match. We are currently able to data match our own information, as well as data from other Departments, which predominantly enables us to detect fraudsters who are working and claiming. However, a large number of fraudsters claim they live alone, when they actually live with a partner, and that type of fraud is difficult to detect using Government sources, so I can announce today that, early next year, we will be piloting a scheme whereby we match our data with those held by credit reference agencies, to help us detect people who are living with a partner but have not declared that to us. We estimate that such information will enable us to identify many thousands of cases of fraud of that type up to 18 months earlier than at present, in keeping with our strategy to detect fraud and error and correct it as soon as it occurs. Once that activity becomes fully operational we estimate that we could save up another £40 million a year. We will also explore the use of private sector data, where appropriate, to help us bear down on other frauds that are harder to detect.

We will also increase our use of risk profiling, to identify the types of people whose claims are more likely to be fraudulent, and to check more frequently that their claims are correct. We believe that the proposed identity card will be a useful tool in all the work of our Department. We shall use it across all our businesses to combat identity and other frauds, and improve the service we give to our customers by verifying their identity more speedily.

Our reorganised fraud investigation service, together with a new customer compliance approach, will enable us to detect, penalise and deter fraudsters more effectively than before. It will tackle serious, high-level frauds, as well as enforcing customer responsibilities to report changes in their circumstances on time.

We will continue to work in partnership with other Departments and local authorities to combat deliberate abuse of the benefit system. We will continue to reinforce the culture of rights and responsibilities in our

messages to customers and the public, through the anti-benefit fraud campaign and the national benefit fraud hotline. The new targeting fraud campaign, launched on 3 October, focuses on our ability to detect fraudsters without their knowledge through the use of data matching. Our research shows that the campaign has been successful with the public; 72 per cent. of the public and 67 per cent. of our customers have got the message, "You will be caught", from those television adverts.

We have achieved much on benefit fraud. We know, however, that the monetary value of mistakes made by our staff and customers remains too high, and we acknowledge the comments of the Public Accounts Committee in that regard. We will do more to ensure that our staff administer benefits correctly and to help our customers keep their claims correct. To achieve that, we are developing plans to maximise the use of new information technology, to make the benefit system easier to administer and to introduce more timely communications with customers. We are confident that those measures will help us to reduce the overall loss to the benefit system still further.

In conclusion, as I said in opening the debate, we know that we have achieved a real, measurable reduction in fraud over the past eight years, but we are not complacent. We can do much more to bring fraud down even further. I have described the extent of our achievement to date and presented our strategy for the future. I believe that that approach will enable the Government to make further progress on reducing fraud and error. It will also help to embed the balanced culture of rights and responsibilities more deeply in the benefit system and among our customers.

2.56 pm

Mr. Paul Goodman (Wycombe) (Con): I begin my speech in this important debate by briefly telling the story of Martin Crowson. Mr. Crowson, who is from Manchester, said that he was virtually unable to walk. On that basis, he made a claim and was paid more than £17,000 in incapacity benefits. Last May, it was reported that Mr. Crowson had been sentenced and jailed by a Manchester court after certificates were unearthed that confirmed that, while he was receiving his £17,000 of taxpayers' money on the basis of his apparent incapacity, he was also training for a black belt in judo. Photographs of Mr. Crowson also came to light in which he was posed riding a camel and wrestling with an alligator.

The Secretary of State for Work and Pensions (Mr. David Blunkett): That is the new test.

Mr. Goodman: That will come as news of great interest to the waiting media.

I could go on to tell the story of Gloria Taylor from south Wales who received £13,000 in benefits, while simultaneously having £200,000 in savings; or the story of David Graham, who received more than £4,000 in disability benefits after claiming that he could walk no further than 30 yd at a stretch, but was discovered to be playing golf twice a week; or the story—perhaps the best known to the readers of the tabloids—of Lizzy Bardsley, the "Wife Swap" star.

Mr. Eric Joyce (Falkirk) (Lab): Yup.

Mr. Goodman: The hon. Gentleman also reads the tabloids.

Lizzy Bardsley was ordered to pay back some £7,000 worth of benefits after receiving almost £4,000 worth of media fees, but I will not labour the point.

The House will unite in agreeing that, as the Minister rightly said at the beginning, every pound erroneously paid out by the Department because of fraud or error is a pound that could have gone to a vulnerable claimant in real need and that benefit fraud must be rooted out. The Department argues that it is rooting out benefit fraud and error. I shall argue that proper scrutiny of the figures reveals that the Government are doing less well than they claim, that they could do much better and that they would do much better if they applied two sensible principles for reform.

One person who agrees with me that the Department could do much better is apparently no less a person than the Prime Minister himself. According to a Channel 4 news report broadcast earlier this week, he has written to the Secretary of State to ask for action on incapacity benefits, presumably—I can think of no other reason—on the basis that a significant percentage of the payments are being claimed fraudulently and paid erroneously.

Mr. Plaskitt *indicated dissent.*

Mr. Goodman: The Minister shakes his head. If he wants to intervene, I am very happy to let him do so.

The Prime Minister suggested in his letter—I quote from the Channel 4 report—that

"benefits should be time limited. People should not claim it after two years and would move on to other benefits or no benefits . . . many could be £30 to £40 a week worse off".

Labour Members may have seen those reports. The Secretary of State presumably agrees with the Prime Minister. He has recently referred to the current situation as "crackers", so he presumably thinks that the Prime Minister is right. I wonder therefore whether he has confidence in the latest estimate by his Department, which was issued earlier today in a document that I shall come to later, that there is £10 million worth of fraud in incapacity benefit. So I have a question for the Minister, and he is welcome to intervene on me in response: has the Department ruled out time-limiting incapacity benefits—a rumour that some of us heard before the general election—and has it ruled out a two-year cut-off date? There is no answer from the Minister. Those present must make of that what they can, but the Department certainly has not ruled it out.

The Department has estimated up until today—we will come to today's figures in a moment—that of the £109 billion spent on benefits and employment programmes last year, £3 billion may have been lost because of fraud and error. That is less than 3 per cent. of the total. However, we must apply to all these figures what I will call the Rooker principle. In 2001, Mr. Rooker, as he then was—he certainly is not now—said that in relation to fraud and error

[Mr. Goodman]

"the £2 billion is what we know about. Another £2 billion may be regarded with a high level of suspicion and there is a weak suspicion—sometimes, no more than a hunch—about another £3 billion".—[*Official Report, Westminster Hall*, 8 February 2001; Vol. 362, c. 303WH.]

In other words, Lord Rooker, as he is now, believed four years ago that benefit fraud and error could be more than three times as high as the official figure. If we apply the Rooker principle today, the total amount lost last year in fraud and error could have been £9 billion rather than £3 billion.

Let us assume for the moment that the Rooker principle does not apply and let us return to the official figures. Yes, on one hand, according to the latest Public Accounts Committee report, to which the Minister referred, and according to the National Audit Office, the fraud element has indeed fallen from £2 billion to £1.5 billion. On the other hand, however, the error element has risen from £1 billion to £1.5 billion.

The Minister invited me a few moments ago to do a calculation and my hon. Friends will have been able to do it too. We and the whole House do not need arithmetical genius to grasp the point that there has been no net fall in fraud and error since 2001, and the losses to the taxpayer are, to borrow a word from the Public Accounts Committee's latest report, "astronomical".

In the document issued today by the Department, lo and behold, we have a new figure. The Department claims that its latest best estimate of fraud is around £0.9 billion, so how did it get from £2 billion to £0.9 billion—a quite staggering reduction? Well, we find that £400 million is

"due to a real reduction"—

I shall linger for a moment over the word "real"—

"in fraud in IS, JSA and Pension Credit"

and that the remaining £700 million, which is roughly two thirds of the total new reduction, is according to the Department due to

"a combination of a reduction in levels of fraud in the other benefits".

Let us look at these other benefits more closely. I draw the Minister's attention first to table 1 in the appendix to today's document, which I shall also wave in the direction of the Liberal Democrat spokesman. According to this table, disability living allowance fraud has fallen from £500 million last year to only £40 million this year—a dramatic drop. That gives the Minister some £400 million of his £700 million saving. However, I now draw the Minister's attention—he may not think that we read these documents, but we certainly do—to footnote 2 at the bottom of table 1. It says that

"the 2003/04 and 2004/05 contributions from DLA are not comparable".

Why is that? It is because, as the footnote also says,

"Much of the 2003/04 DLA fraud estimate . . . would no longer be classed as fraud according to the 2004/05 methodology".

The Minister and the Department are quite entitled to change the methodology, and the Minister referred to that point in his speech, but how is it possible to claim a £460 million saving while conceding that the figures on which the savings are based are not comparable?

Mr. Plaskitt: Does the hon. Gentleman agree in return that it would have been completely impossible to have had a debate of this nature between 1979 and 1995, because the then Government made absolutely no effort whatever to measure benefit fraud?

Mr. Goodman: The Minister asks whether I agree in return, which means that he is conceding my point and conceding that the two are not comparable. In 1997, he fought the election on the manifesto pledge that Labour

"will maintain action against benefit fraud".

Labour was not saying that the then Government were doing nothing at all; it was saying that we were doing something and that it would build on it. He has just conceded that the basis on which the claim is made is simply not comparable.

The Government have failed to reduce the total amount of taxpayers' money being wasted, so can the Minister explain why his written statement issued earlier today mentioned only a fraud figure and specifically failed to mention an error figure? Indeed, was that admission itself an error, or perhaps something worse?

Furthermore, figures issued by the Department up until today have been rounded to the nearest £500 million, as the Minister said, so they have scarcely been a measure of exactitude. The figure is important, because an error margin of such a size would be more than enough to cancel out the 38 per cent. fraud reduction in income support and jobseeker's allowance reported by the Public Accounts Committee. The Committee's report said:

"the Department needs estimates that are more accurate than the nearest £500 million."

I make it clear that we welcome the new rounding to the nearest £100 million, although being £100 million out scarcely represents an accurate calculation either, so the Department will want to work on that. The Secretary of State is in the Chamber. If he sold his memoirs, as he might do, for £100 million and was overpaid so that he got £200 million, or underpaid so that he got nothing at all, he would certainly want to know about it.

On overpayments, which according to official figures amounted to more than £1 billion in March last year, the Committee noted:

"There is no satisfactory audit trail"

of the estimated £9 billion overpaid during the past three years. It also notes that of that £9 billion, only £550 million has been recovered. Furthermore, some of the estimates on which the figures are based are more than six years old, because the Department has rightly given priority to high-risk benefits, such as income support, jobseeker's allowance and housing benefit.

The Minister said, in effect, that the Department has a good chance of meeting the target of reducing income support and JSA fraud and error by 50 per cent. from 1997–98 levels by March 2006. However, we must consider the target of reducing housing benefit fraud and error from the 2002–03 levels by 25 per cent. by March 2006. In the baseline period of 2002–03, the amount of benefit overpaid to working-age claimants in the housing benefit review sample—a sample must be used when examining housing benefit because getting to the bottom of it is complicated—was estimated at 6 per cent. of total benefit paid. Last year, the figure was estimated at 5.8 per cent., which represents a drop. The

latest estimate from "Fraud and error in housing benefit" by National Statistics is 6.66 per cent. below the baseline level. I shall not let my imagination linger over the figure 6,6,6. Is the Minister confident that the 2006 housing benefit target will be hit, because there is speculation that the Department might not do so?

The Department is right to prioritise income support, JSA, housing benefit and now pension credit in its examination of fraud and error. I certainly concede that examining fraud and error more widely would result in cost to the taxpayer, so a fine balance must be struck. However, it cannot be right to assume that some benefits, such as the incapacity benefits that Mr. Crowson was claiming, should remain measured inexactly. That brings me to the principles for reform.

First, the tax and benefits system needs to be made more simple. The Chancellor of the Exchequer, who, since 1997, has been in effect the real Work and Pensions Secretary, has created a cat's cradle. The system is not simple; it is complex and getting more complex. That is not simply the view of the official Opposition or the Liberal Democrats. Thomas Boyd-Carpenter, the recently retired chairman of the Social Security Advisory Committee, wrote in his final report, which was something of a cri de coeur:

"The size, complexity and dispersion of the benefits system"—

I assume that he meant the dispersion off to the Treasury—

"and the blurring of the boundaries"

with tax credits

"has led to a pervading ... loss of cohesion".

He said bluntly that the system was now "alien" to the people who rely on it. Hon. Members in the Chamber know that what Sir Thomas said as chair of his committee in Whitehall was but an echo of what we hear each week in our surgeries and during our daily phone calls from constituents.

Secondly, the Department should make more use of the private sector. Its written statement issued today refers to

"increasing the use of private sector data",

so it is on to that. That is right, but the Public Accounts Committee notes baldly that the Department

"could not obtain data on fraud and error for the private sector."

That does not sound too hopeful. The Committee rightly recommends that the Department, together with the National Audit Office, should find out what could be done to compare its present performance with that of major private sector financial institutions.

The Department is, as we all know, being asked to shed some 30,000 jobs, which is about a quarter of its work force, at a time when it is trying to tackle the persistent causes of fraud and error. I asked the Minister about the hotline, because I have heard some of the Department's critics argue that the fall in the number of calls answered by the hotline, from just over 211,000 in 2003–04 to 199,000 last year—only 0.24 per cent. of these calls lead to a court conviction—may be related not only to advertising but to ongoing changes.

The Department argues that job reductions will not affect efficiency and delivery, and far be it from us to argue. However, the Department must ensure that any reductions affect back rooms and not the front line. In particular, it should, as the PAC said, assess the savings that can be derived from deploying additional staffing on effective fraud prevention and detection activities such as data matching and intelligence analysis.

We proposed at the election that Jobcentre Plus staff should be transferred to the private and voluntary sectors with no compulsory redundancies and that the role of those sectors should be expanded. We believe that that is a model for the future.

We owe it to the taxpayer and to the vulnerable, and to the constituents whom we see in our surgeries and to whom we speak each day, to deliver a system that is as free from fraud as possible. I acknowledge that some good work has been done, but much remains to be done. As we have seen today, given the dexterity with which the Government slipped out two figures which are inconsistent with each other, we can have no confidence that the Department is free from error. I saw today, before I came into the Chamber, that Harold Pinter, one of our greatest playwrights, has just been awarded the Nobel Prize for literature. If the Department is to rely on the statistical sleight of hand that is illustrated on page 33, the Minister may risk being awarded the Nobel Prize for fiction.

3.11 pm

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I welcome—as did the shadow Conservative spokesman, the hon. Member for Wycombe (Mr. Goodman)—the progress that has undoubtedly been made and which has been outlined by the Minister this afternoon. Progress has been made in reducing fraud in income support and jobseeker's allowance. More broadly, the figures published today suggest that fraud has been reduced to a total of £0.9 billion. I shall not embark on a detailed analysis of the figures because the hon. Member for Wycombe has done that, but I have one relatively straightforward question.

In the Public Accounts Committee report, the total figure for fraud and error was £3 billion. It is not clear from the figures published today whether the total for fraud and error remains at £3 billion. In other words, should we draw the conclusion from today's report that while the amount of fraud has been reduced to £0.9 billion, the amount of error has increased to £2.1 billion? What is the total figure for fraud and error based on today's new calculations? Should we assume that because a more detailed methodology for measuring fraud has been developed, the amount of error is to fill the gap in the £3 billion figure that has been quoted not only for the past year, but for previous years?

I agree with the Minister that despite the evidence of progress, fraud is still at too high a level. Tuesday's PAC report gave ample evidence and analysis of the reasons for that. It said that the Department is still not performing to the standards that might reasonably be expected. There is a long way to go on both fraud and error—losses due to error remain too high.Today's figures suggest that benefit fraud has been reduced roughly to the level of fraud against the European Union budget, which may be a cause for celebration for Conservative Members but suggests that there is still quite a long way to go. Overall, the fact that the Department has had its accounts qualified by the

[Danny Alexander]

National Audit Office for each of the past 15 years, including every year that this Government have been in power, suggests that too little has been done on this issue for too long, and too slowly.

The Government's own pronouncements confirm that there is slow progress. In 2000, the Secretary of State said:

"We are taking a zero tolerance approach to fraud."

A press release was headlined, "We are winning the fight against fraud." That was on 28 January 2000, five years ago. Reading the NAO report, it is clear that despite the diplomatic language, the tone is one of real frustration. I would be grateful if the Minister let us know what discussions he has had with the NAO about the levels of fraud and error that would have to be reached before the Department's accounts were given a clear bill of health by that organisation.

The Conservatives should not be too critical of the situation, as their record in Government was hardly one to be proud of. They only began detailed measuring of the level of fraud in 1995, 15 years after they first came to office. The dramatic shift from unemployment benefit to invalidity benefit—now incapacity benefit—took place under a Conservative Government, so their record is none too good. Equally, it is a mistake to view benefit fraud in isolation. The tax credit system introduced by the present Government is part of the welfare system, and we know from various reports that in 2003–04 £2.2 billion worth of tax credits were overpaid. The National Audit Office says that fraud and error in the tax credit system amount to 5 to 11 per cent. of the total bill for tax credits or up to £1.5 billion. It has qualified the accounts for Her Majesty's Revenue and Customs, so the disease seems to be spreading instead of being eradicated.

Miss Begg: Does the hon. Gentleman acknowledge that overpayments in the tax credit system are partly the result of the way in which the system is designed? Many of the errors in income support arose from the fact that people had to notify the agency of changes in their circumstances on a weekly basis, which caused a great deal of confusion, heartache and error. The tax credit system is much more transparent and easier to use. Overpayment is part of the system, but it is not necessarily an error.

Danny Alexander: I accept that overpayments in the tax credit system are partly a function of the way in which the system is set up, and I shall return to that later. While figures for fraud appear to be improving, there is little improvement in the figures for both official and customer error. Taken together with the tax credit system, errors in the welfare system overall could reach more than £3 billion a year. That is exacerbated by the problem with record keeping highlighted in the PAC report. The Department could not find records for one out of every eight cases of incapacity benefit selected by the NAO. The report also warned, as hon. Members have said, that plans to cut about 30,000 staff—a quarter of the work force—from the Department

"may affect morale and lead to increased turnover of staff whose skills are most needed to combat fraud and error".

The complexity of the benefit system gives rise to error among both claimants and staff. In the year to September 2004, errors made by pension credit claimants cost £100 million, while errors made by officials cost £120 million. That indicates the extent of the problem.

I welcome many of the initiatives announced today to tackle fraud, particularly the measures to improve data sharing between the Department and Revenue and Customs. Liberal Democrats have argued for such data sharing, so it is good to see that the proposal has been taken up—and today's report outlines a number of successes. Similarly, the division in the system between criminal measures and customer compliance is sensible. I offer a tentative welcome to the use of credit reference agencies, but I would like to know more about the costs. Will the Department have to pay credit reference agencies for every request for information? If so, what is the total amount estimated to be?

The Minister did not refer to a proposal highlighted in the press earlier this week on the use of lie detector software in the telephone system. It may have been dropped or it may have been too detailed to appear in his speech. I would be concerned about such proposals, not least because American research shows that such systems are only about 24 per cent. effective. However, I should like to know whether they have been considered.

Mr. Philip Dunne (Ludlow) (Con): On telephone lie detection tests, is the hon. Gentleman aware of the increasing prevalence of such techniques in insurance recoveries across the commercial sector? If they work well across the commercial sector, there is no reason why they should not be introduced in the public sector.

Danny Alexander: I am not aware of the increased use of lie detector software in insurance, and, given the evidence that I have seen, I wonder whether it would be appropriate in the public sector.

The simplification of the benefits and tax credit systems is crucial to tackling fraud and error. The Minister alluded to the simplification of the structure of the benefits system, and we may discuss that matter in more detail when the welfare reform proposals are introduced in the next few weeks.

Administration is another area in which simplification could make a big difference. A number of different departments and organisations deal with the administration of different benefits: housing benefit and council tax benefit are administered by local authorities; other benefits are administered by the Department for Work and Pensions; and tax credits are administered by Her Majesty's Revenue and Customs. The Liberal Democrats have proposed that the administration of housing benefit should be moved to the DWP, which would increase efficiency, and I am interested to hear whether the Minister has considered or will consider that proposal.

Liberal Democrats have proposed the abolition of council tax and its replacement by a system of local income tax, which, as a result of its being based on ability to pay, would negate the need for council tax benefit and simplify the system.

Miss Begg: Have the Liberal Democrats decided whether their local income tax would be based on where

someone lives or where someone works? That point is especially important in north-east Scotland, where many residents work offshore or for foreign companies.

Danny Alexander: As far as I am aware, local income tax, like council tax, would be based on where one lives rather than where one works.

This Government's reliance in recent years on means-testing is one of the reasons why the welfare system as a whole has become increasingly complex—for example, the introduction of the pension credit means that a growing number of pensioners are subject to means-tested benefits. The Liberal Democrats would introduce a citizens pension, which would abolish means-testing for many pensioners, reducing the scope for both error and fraud.

On the tax credit system, we want to re-examine a return to the system of fixed awards used in the earlier form of tax credits, which would reduce errors as well as help to ameliorate the rollercoaster ride currently faced by many of our constituents due to overpayments.

The complexity of benefit forms is a genuine cause of both customer and official error. For example, a disability living allowance application form and notes runs to a total of 55 pages. The latest figures on the disability living allowance show £630 million of customer error and £60 million of official error, which is an example of complexity leading directly to error, not fraud. A big effort should be made to simplify benefit application forms to help weed out more error from the system. Administrative consolidation—for example, the proposal to move housing benefit into the DWP—would also help to make such matters easier by reducing the need for people to supply the same data in multiple benefit applications.

New IT systems can also help. I note that a new e-benefits system piloted in Rotherham has shown early signs of success because it allows people to apply for benefits, including more than one benefit at once, through an electronic terminal, and it would be worth while to roll out such a system.

Some hon. Members have already referred to the telephone hotline. Today's report shows that calls by the public to the hotline help to cut fraud, so it is important that the telephone is answered when people call. In the last year for which figures are available, 80,000 calls to the hotline—nearly 30 per cent. of all calls—went unanswered. That means that valuable tip-offs could be being ignored. I hope that that can be dealt with as the system develops, because if it is as successful as the Minister says, every effort should be made to ensure that every tip-off received from the public is acted upon.

The report highlights as one of the benefits of the advertising campaign the fact that

"belief that Government takes fraud seriously has strengthened".

The Government must ensure that there is no suspicion that spending on a high-profile advertising campaign is mainly a PR exercise designed to give the impression of action rather than generating genuine anti-fraud results.

Greater attention should be paid to sharing good practice. According to the PAC, the Department needs to do more in identifying best practice in local authorities and overseas. I was glad to hear the Minister say that that is being dealt with and I should be interested to hear more about it. An earlier report from the PAC stated that if all regions performed in line with the top quartile of local authorities in terms of savings, that would lead to significant overall savings. Encouraging local authorities to share best practice in tackling benefit fraud would have a serious impact.

The PAC report highlights not only the extent of fraud and error but a significant aspect that has not been much discussed so far—the extent of underpayments in the system. The report says that £385 million of benefits were underpaid in 2003–04—money that our constituents should be receiving. The system is failing to get money to many people who need it. It is necessary to simplify the system and to deal with the errors in it, not only to tackle fraud but to ensure that people get the funds to which they are entitled.

The hon. Member for Wycombe referred to the arrangements for the recovery of benefits identified to have been paid out fraudulently. The PAC report notes that in the past three years only £550 million of the £9 billion overpaid has been recovered. What steps are being taken to improve the rate of recovery of benefits that have been fraudulently claimed?

Many of the issues that I have raised should be dealt with by the benefit reform that we eagerly anticipate and I hope that we will not have to wait much longer for the Government's proposals. However, Liberal Democrat Members are worried about the tone in which the debate is being conducted. The Government have chosen to approach it by talking about fraud first, and then reform. That has already resulted in some lurid headlines—for example, the "on your bike" quotes that we saw earlier this week—which may or may not have been the intention. That risks giving the public the impression that welfare reform is principally about dealing with fraud.

Fraud is a very serious issue that needs to be dealt with, and I have outlined some proposals for doing so.

Joan Walley (Stoke-on-Trent, North) (Lab): Does the hon. Gentleman agree that one area that the Government need seriously and urgently to examine is that of the availability of bereavement help? Certain people cannot get any access to assistance with funeral expenses.

Danny Alexander: I agree that that is an important issue and I hope that it will be dealt with when the welfare reform proposals are introduced. I look forward with interest to what the Government say about that in due course.

The reform agenda is about something much greater than simply dealing with fraud—it is about providing opportunities for work to millions of people who have been neglected by the system for many years. For example, we know from various pieces of research that 1 million disabled people want to work. In the broader welfare reform debate, we should focus on effective measures to help people get into work and steer away from dramatic headlines that denigrate and risk stereotyping.

Let me quote the *Daily Record*—perhaps not a source that I am given to quoting. Earlier this week, a leading article stated:

[Danny Alexander]

"Blunkett should be careful that his clampdown doesn't victimise the weak and the vulnerable. It's frightening to hear him use the stock phrase of Norman Tebbit to 'get on your bike'."

That is well put. Let us have a debate in the coming weeks that does not court such headlines. Let us tackle fraud and, even more important, the causes of error in the system, including means-testing. Most important, we should provide new opportunities and remove barriers to people getting out of the benefits system.

3.30 pm

John McDonnell (Hayes and Harlington) (Lab): I speak as chair of the parliamentary Public and Commercial Services Union group, which is an all-party group representing the PCS trade union. I want to associate myself with the statement in the report that the Department for Work and Pensions published on reducing fraud in the benefits system. It states that the Government have developed a comprehensive strategy since 1997. For those of us who have wrestled with the problem for several years in different guises, either in the House or in a professional capacity, it is clear that, objectively speaking, the Government are the first Administration to try to establish some form of longer-term strategy rather than a knee-jerk approach year by year.

As I said, I associate myself with the statement in the Department's report, which reads:

"Our staff have played a huge part in reducing fraud—and we are proud of their hard work and achievements."

Members of the PCS who work in the Department have shown great commitment and dedication to ensuring that our strategy is effective. Some of the results that we have produced are not as successful as perhaps many of us would like. Nevertheless, there have been improvements in bearing down on fraud, error and even non-distribution of resources that did not occur in previous Administrations. I therefore congratulate the Government on their achievement through the commitment and dedication of the staff.

The Government have, however, undertaken a contradictory target-setting exercise, which was highlighted by the Public Accounts Committee when it interrogated Sir Richard Mottram. It is clear that, in establishing our anti-fraud and anti-error strategy, we need to invest in the staffing and new technology resources that enable us to be effective. If the target to tackle fraud conflicts with other targets in the Department, especially the target to shed 30,000 staff, we should acknowledge that and ascertain whether we need to review some of the Department's policies.

The Public Accounts Committee sitting at which Sir Richard Mottram was present highlighted the problem. A simple question was asked about how much the Department would save through the Gershon exercise. In total, the saving is £1 billion. Members of the Committee then asked for the total cost of fraud and benefit error and the reply was £3 billion. Sir Richard Mottram was then asked why the staff who were being cut could not be transferred to tackle benefit fraud and error. Clearly, if the £1 billion in staffing cuts were invested in doing that, the Department might well be able to save £3 billion overall. Sir Richard Mottram's reply was interesting. It was not a yes or a no, but phrased in delicate "civil service-ese". The response was:

"That might or might not be the case, Mr. Chairman, but I am just a civil servant. I do not determine the budget of my Department and I do not determine in isolation how many people we employ."

If any permanent secretary were given the task of tackling benefit fraud and error and was asked how many staff were needed, I do not believe that the first response would be a cut of 30,000 in overall staffing resources.

Mr. David Laws (Yeovil) (LD): Is the hon. Gentleman reflecting a concern that the figure of 30,000 may simply be designed to meet a general political target rather than to fulfil the Department's needs and ensure the efficient deployment of resources?

John McDonnell: As ever, the hon. Gentleman is there before me. The figure of 30,000 that came out of the Gershon review was part of the bidding exercise before the last general election, in which Conservative and new Labour Front Benchers seemed to try to outbid each other in regard to how brutal they could be in reducing civil service numbers. Even now, having considered all the reports and detailed discussions that took place, I cannot assess the rationale behind the figure of 30,000.

The Public Accounts Committee has hit the nail on the head. It warned that these proposals could lead to a loss of morale. The churning that is going on in the Department for Work and Pensions means that the processes on which we rely to bear down on fraud and overcome error, while not being broken down, are certainly being undermined. We are losing skills from the Department as a result of the scale of the reduction in staff numbers. Those skills have been built up over time and have been proved, as a result of good political direction and strategy development, to be effective. In the past, even the recent past, the management style in the Department—the management's relationship with their staff, their consultation with the trade unions or their involvement of all stakeholders in the development of the overall strategy—has not been that good.

On the basis of the Public Accounts Committee's report, and perhaps on the basis of some of the issues raised in this debate, I believe that it is now time for the Secretary of State to stand back and re-examine the target of a staff reduction of 30,000. Perhaps we should also do a short, simple exercise—attracting independent advice to help us—to determine whether that scale of reduction is appropriate, given the contents of today's PAC report and those of the report produced this week by the Department for Work and Pensions, which demonstrates that the staff were working well and effectively to implement the strategy but are now being impeded by the scale of the job cuts.

I would welcome the opportunity of a further meeting of the PCS parliamentary group with the Secretary of State to discuss these issues. I would also welcome the continuation of dialogue between management and unions as we go through this process. I hope that the management of the Department and the political team that determines the Department's policies will have the strength to stand back and re-examine the issue, to admit that the figure of 30,000 might not be appropriate, and to consider whether the organisation that was suggested as a result of the 30,000 job cuts would be fit for the purpose of maintaining the strategy that these

reports show to be working so successfully. I hope that we can arrive at a common-sense solution that will achieve the Government's overall objectives and perhaps reduce the conflict regarding the targets that we have set for the Department for Work and Pensions.

3.38 pm

Mr. Richard Benyon (Newbury) (Con): I do not intend to detain the House for long, but I want to raise one specific point. Before I do so, however, I want to pay tribute to the speech of the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), and to congratulate him on his meteoric rise to the Front Bench of his party, as well as on his apparently representing four constituencies, which is an achievement in itself. I also want to echo the concerns expressed by the hon. Member for Hayes and Harlington (John McDonnell) about proposed job cuts. I was alarmed recently to see an internal e-mail from my local Jobcentre Plus, which was passed to me by one of the people who work there, and which stated that the job cuts and reorganisation within that organisation would not be made public until after the general election. The fact that that very date was specified was a matter of great concern to me.

Mr. Plaskitt: The hon. Gentleman recently fought a general election campaign, following which he was returned to the House, that was in part based on the James report. Does he still stand by what it says about staff numbers in the Department for Work and Pensions:

"We will . . . monitor the government's . . . proposals but have assumed that they are desirable and achievable"?

Mr. Benyon: I am talking about the validity of the cuts not in general, but in particular. I will provide the Minister with details of serious morale issues in the organisation, which I feel he needs to address.

Danny Alexander: I am grateful for the hon. Gentleman's kind remarks, and he will also be interested to know that there is a similar example in Nairn, which is one of my constituencies, as it were. The jobcentre was threatened with closure. That threat was suspended during the general election—I was fighting the sitting Labour MP—but the jobcentre was closed only a month ago following the reinstitution of those cuts. I think I share the hon. Gentleman's suspicions about the process.

Mr. Benyon: I am grateful to the hon. Gentleman for that intervention, and the Minister might like to reflect on the fact that we proposed transferring Jobcentre Plus to the private sector at no loss of jobs. That is an important point.

It is rather tired to talk about the last Conservative Government, as they were in power eight years ago, but, for the record, it is worth paying tribute to the efforts made by that Government and by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), who worked himself to a frazzle trying to sort out the issue of benefit fraud and introduced reforms and technologies that, at the time, were revolutionary, such as the smart card.

I am sure that the definition of benefit fraud is written in the Minister's marrow. It is, of course,

"the deliberate misrepresentation of circumstances or a failure to notify changes in circumstances with the intention of obtaining benefit to which the customer is not entitled".

We are all aware of the Department's hard-hitting campaign and the stereotypical fraudster depicted in those advertisements. No one in the House would criticise that approach, and it is important to bear down on benefit fraudsters of the kind that the campaign portrays. No one in the House would oppose many of the reforms and the campaigns that the Government intend to introduce to crack down on benefit fraud, perhaps with the exception of what the Minister said about ID cards. I and many of my colleagues, and the Liberal Democrats, feel that the enormous amounts of money involved in the flawed IT and all sorts of other problems would be much better spent in providing, for example, more police to feel the collars of benefit fraudsters in another way.

I want to speak to a particular point concerning disability living allowance, which was raised by my hon. Friend the Member for Wycombe (Mr. Goodman). The Government's own figures estimate that in the last financial year £730 million was overpaid in DLA, which amounts to 9.1 per cent. of expenditure. The equivalent estimate of underpayment is £200 million, representing 2.5 per cent. of expenditure.

I was working on those figures as I prepared for this afternoon's debate—multi-tasking, which my wife claims I cannot do, but I was obviously in touch with my feminine side. While working through my correspondence, I read a moving and brave letter written to me by a constituent. She admits to suffering from the horrendous condition of schizophrenia, but says she is

"in the fortunate position of getting lower rate DLA and tax credits which means I can work part-time . . . I get a lot out of doing part-time work, it is therapeutic and"—

this is an important point—

"it is better for society as a whole that I am working and not . . . dependent on benefit."

My constituent goes on to say that her community psychiatric nurse knows many people

"who are less disabled than me who get middle or higher rate DLA."

My constituent knows many people

"who would greatly benefit from being able to work part-time who are as disabled as me but do not get any DLA at all."

It is the system, she claims, that is at fault. She makes the same point as the hon. Member for Inverness, Nairn, Badenoch and Strathspey about the 55-page form:

"The current system of applying for DLA depends on your ability to describe your illness and people who are more articulate seem to have a better chance of getting it. It also seems to depend on who reviews your"

case. Her key point is:

"I know there are people who abuse the system but there are also genuine people who are not getting the help they are entitled to."

Part of the Government's strategy must be to make it easy for people not to commit fraud as well as bearing down hard on those who are committing fraud. They can do that by making the system easy to understand, by improving the training and morale of those within the

[Mr. Benyon]

organisations who monitor benefits, and by creating a much more level playing field for applicants, giving professional advice and assistance to organisations such as citizens advice bureaux, which do such a fantastic job in constituencies such as mine in guiding people through the morass of paperwork.

Members are constantly told by constituents that those who break the rules are rewarded, and that those who wish to obey them must follow a tortuous path of bureaucracy and, if anything, are penalised for doing what is right. I urge the Government to bear those points in mind as they work through this important matter.

3.46 pm

Mr. Philip Dunne (Ludlow) (Con): I am pleased that we have an opportunity to discuss these issues today, not least as part of my learning curve as a new member of the Work and Pensions Committee. It is invaluable to have some good research time to help to prepare for such debates, and the whole subject of benefit fraud and error is very topical given the publication of the Public Accounts Committee's report earlier this week. To ensure public confidence in our benefits system, it is utterly vital that we as a nation are seen to cut down on fraudsters.

For people on benefits, there is nothing worse—all MPs have experience of these cases—than seeing people claiming benefits to which they are not entitled. It cuts to the core of a legal system that chases up those who seek to defraud, and we must bear down hard on it. We must also ensure that the public bodies that administer benefits do so efficiently and do not cause problems that aggravate the difficulties that those who rightly claim benefit and who may have been overpaid suffer when the authorities challenge them.

The Minister laid great store by his claims that improvements have been made in fraud detection over the past few years, and I acknowledge, as my hon. Friend the Member for Wycombe (Mr. Goodman) did, the improvements made in reducing fraud in relation to income support and jobseeker's allowance. As other Members have said, however, there is no getting away from the Public Accounts Committee's conclusions that over the past three years the overall level of fraud and error in the benefits system remains pound for pound where it has been. I would be interested to hear anything from the Minister when he responds that gives us some comfort that things are moving in the right direction across the piece. We have heard snippets here and there.

I am particularly concerned about the lack of success in achieving the Government's targets for housing benefit. If there are more measures on that in today's report, I should be pleased to read about them.

The Work and Pensions Committee is due to start a review of incapacity benefit and pathways to work, one element of which is an attempt to get to the bottom of what is happening on fraud. Unfortunately, the statistics in all the reports that I have seen so far are estimated, and incapacity benefit has not had as thorough a job done on it as other benefits. In a way, that is right, because we hope that few who claim incapacity benefit do so fraudulently, but human nature being as it is, I fear that there may be some hidden fraud in that area, too.

Let me list some of the successes achieved by local authorities. A number of written statements on this matter have been published this week, and I am pleased to say that an authority in my constituency, Bridgnorth district council, is judged to have achieved a qualified success. According to the comprehensive performance assessment of April 2004, the council's benefit service was giving a "fair towards good" performance. A more recent assessment suggested that the council had met the standard in respect of 84 of the 89 components of counter-fraud. It was described as having

"a strong anti-fraud culture and a number of strengths in this area."

Its overall performance was assessed as very impressive compared with that of other similar-sized authorities. It has approximately £8.4 million of benefits to distribute, so it is at the small end of councils in the country, but it has imposed a strong culture of cracking down on fraud.

Let me illustrate some of the shifts that have taken place since control of the council moved to a Conservative and Independent administration. There is an assessment of the number of cautions issued by the council. Between 2002–03 and 2004–05, the number was halved from 33 to 16. The number of administrative penalties imposed during the same period tripled from eight to 24. The number of prosecutions rose from six in 2002–03 to 16 in 2003–04, and fell back to eight in 2004–05. That is attributed to the fact that rather than using cautions as its primary means of combating fraud, the council has chosen to impose penalties and to be seen by the community to take cases to court.

I labour the point for a reason. I believe that if we are to restore confidence in our fraud-combating system, such issues must be brought into the public domain. In my area at least, successful prosecutions achieve publicity all too infrequently. Let me make a plea to the Minister. Local authorities that are constantly invited to do more on behalf of the Government are rarely given the facilities that would enable them to do the extra work. Publicity for cases or more resources for anti-fraud measures would be very welcome. I speak not just for Bridgnorth district council but for South Shropshire district council, which is also in my area.

Let me now say something about errors. It is up to local authorities and Government agencies to ensure that enough resources are given to assessment of benefits across the board. As other Conservative Members have pointed out, it is hard to reconcile the proposed Gershon job cuts with greater bearing down on fraud and an accurate assessment of benefits. I shall give another personal example, if I may. Ludlow, a town in my constituency, has a Jobcentre Plus centre that will close next year. Half the current staff will lose their jobs, and half will be relocated to some place yet to be determined, probably the tourist information centre. I find it hard to understand how a sub-optimal team who may or may not be able to provide full nine-to-five cover will be able to do their job properly. I met the regional director, who assured me that the job could be handled perfectly well by a town 15 miles away, but I do not see how that efficiency saving assists in the proper calculation of benefit and bearing down on fraud—major issues across the country, as hon. Members have argued.

To achieve a balance, however, I want to pay tribute, as did my hon. Friend the Member for Newbury (Mr. Benyon), to the work done by citizens advice bureaux in

assisting people who get into difficulties with the assessment of their benefits. There is no question but that, where errors arise, it causes immense frustration among some of the most vulnerable people in our society. Such people often have to rely on citizens advice bureaux for whatever help they can get. I have received representations from the citizens advice bureau in Bridgnorth, which tried to help elderly pensioners on modest incomes who were struggling with the various assessments made of them and greatly feared having to repay overpayments. It is important to improve standards of benefit assessment in order to allay such anxieties.

Inevitably, with large organisations and complicated benefits, these problems will arise. Unfortunately, we see them across too many areas of government these days. The complexity of the systems that have been put in place gives rise to more and more problems for ordinary people. I urge the Minister to argue with his colleagues in favour of increasing simplicity in our benefits system.

3.56 pm

Mr. Plaskitt: With the leave of the House, I should like to respond to the points raised in the course of the debate. I appreciate the time that hon. Members have taken to debate combating benefit fraud. If I do not manage to cover all their observations in my winding-up speech, I shall want to reflect on them further.

We all appreciate the seriousness of benefit fraud. It is not the victimless crime that fraudsters like to think it is. It is theft from the taxpayer and theft from the most vulnerable people who would benefit more substantially from the total resources allocated if others did not choose to exploit the system for their own gain.

The hon. Member for Wycombe (Mr. Goodman), who led for the Opposition, challenged me over the forthcoming reform of incapacity benefit. I suggest that he wait a little longer, because the consultation process is not far off now. When the consultation process commences shortly, he will receive useful advice on the questions that he tempted me to answer now.

The hon. Gentleman also asked whether we had had any success in meeting targets on fraud and error in respect of housing benefit. Thus far, progress has been pretty encouraging, but I want to be perfectly candid in saying that these are tough targets. They are targets that we, as well as the 408 different local authorities that administer housing benefit, have to work on. Control over managing that benefit is more dispersed than for others, which makes the target serious, challenging and tough, as it should be. I am optimistic that progress will be made. With particular respect to error over housing benefit, I can tell the hon. Gentleman that the level has fallen by 9 per cent. over the last 18 months.

The hon. Member for Wycombe also accused the Government of some sleight of hand over the statistics in the document published today. I am forced to repeat that we could not have had a debate like this at all during the first 15 years of the last Conservative Government, because no serious attempt had been made to measure fraud and error in the system. The Conservative Government came to that issue late in the day and I hope that the hon. Gentleman would acknowledge that our determined efforts to measure it have allowed us to have a serious discussion of the matter.

Not only did the previous Conservative Government come very late to the concept of measuring fraud and error, their record on prosecutions does not stand much examination either. In the final year of that Administration, 12,000 people were prosecuted, whereas last year, under this Government, 42,000 people were subject to sanctions, administrative action or prosecution for fraud in the benefit system. That is nearly a fourfold increase. The hon. Member for Wycombe might also want to reflect on the fact that, in 1997, one claim in 10 for income support and jobseeker's allowance was wrong. The figure now is one claim in 25. Although in this debate I have freely accepted that there are still plenty of problems in the system, that many challenges remain and that we are still not content with the level of fraud, the hon. Gentleman should acknowledge that the position now is considerably better than what we inherited in 1997.

Mr. Goodman: According to the Department's own figures, fraud savings in 1995–96, when my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) was in office, amounted to £1.4 billion. However, the latest figures put the total at £0.9 billion, which suggests that my hon. Friend the Member for Ludlow (Mr. Dunne) was right.

In addition, although I accept that the Minister is producing measurements, he should make them comparable. For example, the figures for last year are simply not comparable with those for this year.

Mr. Plaskitt: As I tried to explain earlier, the footnotes show why the base has moved. That is all in the interest of achieving a more accurate measurement of the fraud that exists in the system so that we can target our efforts more precisely.

The hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander) asked for the latest figures on fraud and error. To clarify the situation, I should explain that they are better than those cited in the PAC report because that was based on assessments made 18 months ago. Progress has been made since then. As was noted in the debate, fraud is now estimated at £0.9 billion, customer error at £0.8 billion, and official error at £0.9 billion. The hon. Gentleman challenged me on the amount of error, which represents 2.4 per cent. of the total spend. We have made progress on reducing error, and although I have acknowledged that it remains a challenge, we should consider it in the light of international standards.

For example, official error in Ireland and France stands at 4 per cent., in the US it is 6 per cent., and in the Netherlands it is at least 7 per cent. That is not to say that our rate of 2.4 per cent. is justifiable or acceptable, but it suggests that our record stands up reasonably well to international comparison.

The hon. Gentleman also asked what the Government were doing to make more progress in dealing with error. I can tell him that we are making a greater effort in respect of the verification of claims, to make sure that they are correct from the outset and that they remain correct. That will help to reduce a great deal of the customer error, and we are also imposing tougher performance standards for administrative staff across the board.

[Mr. Plaskitt]

As was noted in the debate by various hon. Members, we will make a good deal more progress in the reduction of error if we can continue to strive for greater simplification in the benefits system. That is right, and it is why the Government have a benefits simplification programme under way. We shall continue with that process, and the hon. Member for Inverness, Nairn, Badenoch and Strathspey should anticipate the Green Paper on welfare reform that we are about to publish. That document will return to the important question of benefit simplification.

Danny Alexander: I assure the Minister that I look forward with eager anticipation to the welfare reform Green Paper, but perhaps I misunderstood what he said about error. He gave the House figures for customer and official error that add up to a total of £1.7 billion. In contrast, the PAC report gave figures for 2003–04 that estimated fraud at £2 billion and error at £1 billion. When Richard Mottram gave evidence to the Committee, the matter was discussed further, and the figures were corrected to £1.5 billion for both fraud and error. The figures are now put at £1.7 billion for error and £0.9 billion for fraud. That suggests that the estimate for error is creeping up, at the same time as the figure for fraud is going down. Would that be the correct interpretation of the statistics?

Mr. Plaskitt: As I have said throughout the debate, the Department tries to ensure that the measurement of fraud and error is as accurate as we can get it. The hon. Gentleman should study the report that we have published today, because it has important explanatory information at the back about rebasing the calculations. The answer will become apparent if he looks at that.

The hon. Gentleman put several other issues to me and I shall try to speed through them. He asked about our use of credit reference agencies and the cost. It is a commercial arrangement, but I can say that we anticipate that it will pay for itself in terms of the information that is provided. We hope that we will be able to achieve a further £40 million reduction in fraud as a result.

The hon. Gentleman also mentioned lie detector software. It is a slight exaggeration to call it that, as it is actually voice stress technology—as another hon. Member mentioned—and it has been employed quite successfully in the insurance business. We are thinking of piloting it for disability living allowance applications and we think that it will be helpful. It does not in itself prove that fraud is taking place, but it is an indicator that can be matched with other information to suggest that fraud may be taking place and to trigger an investigation. It is an addition to our armoury and individuals will know that the system is in operation.

Danny Alexander: Will the Minister give way again?

Mr. Plaskitt: The hon. Gentleman made a lot of points and I am still working through them, so I hope that he will bear with me.

The hon. Gentleman also asked me to comment on local authorities and the administration of housing benefit, and he was not the only one to raise that issue. He should know that my Department has helped local authorities to achieve better administration of housing benefit. We have provided financial assistance to local authorities for that purpose, and the vast majority have taken it up. I have visited several local authorities in various parts of the country to see how they have deployed those resources, and the best are very good at administering housing benefit and are making significant gains in performance. However, performance still does not come up to standard in too many local authorities, and we have an inspectorate to work with them. The Department also remains happy to work with them to improve their performance. All local authorities should reach the standard of the best.

The hon. Gentleman asked about benefit underpayment, as did other hon. Members. He is right to say that it should be assessed against the issue of fraud and, as I said, the Department has several programmes to try to ensure that benefit is taken up. He asked about our progress on debt recovery and I can tell him that last year we recovered nearly £200 million of debt. I think the figure is actually £189 million, but he can check it in the recorded information.

The hon. Gentleman also asked about welfare reform and hoped that it was driven not only by a desire to crack down on fraud but by wider objectives. I can assure him that it is driven by a much wider perspective. He will recall that we published the principles of welfare reform recently and I hope that he has had time to study them. They drive the Government's welfare reform programme and will be elaborated further when we publish the Green Paper—I am sure that the hon. Gentleman eagerly anticipates it.

I am grateful to my hon. Friend the Member for Hayes and Harlington (John McDonnell) for welcoming the Government's long-term strategy to tackle fraud and error. He asked whether there was a conflict between achieving staff reductions in line with the Gershon review and combating fraud. I hope to reassure him that those two objectives are not in conflict. We will not reduce the 2,000 fraud inspectors. Indeed, we will transfer 1,000 additional staff from the functions that they currently perform into the front line to work on customer compliance to help to ensure that the benefit paid is right at the outset. In fact, I can tell my hon. Friend that when I come to the House with legislation to reform housing benefit, I shall try to resolve another issue in the system that currently prevents local government officials working on housing benefit from investigating possible fraud in nationally delivered benefits. We want to take powers to correct that, which could mean that another 2,000 or so officials in the system will be able to work across a wider range of fraud than those associated only with housing benefit.

My hon. Friend was right to say that to progress staff reductions requires dialogue between Department managers and staff. That dialogue is in place and it needs to continue. There is no doubt that the Gershon challenges are tough and it is extremely important that we proceed through dialogue, and we intend to do so.

Let me deal with the remaining speeches from Opposition Members. I was charmed by the belief of the hon. Member for Newbury (Mr. Benyon) that the Conservative party's proposed privatisation of

Jobcentre Plus would not have resulted in job losses. Happily, we shall not find out because that is not going to happen, but it is a quaint belief.

The hon. Gentleman rightly moved on to disability living allowance. I am pleased that he has been examining overpayment and underpayment. We made a thorough reassessment of DLA this year to establish the exact position. That is one of the factors that has led to changes in the numbers. After careful re-examination of DLA payments, we found that, although some were inappropriate, they were not fraudulent, yet they had previously been classed as fraudulent payments. It is important to clarify that as it helps us to understand issues in the administration of DLA.

The hon. Gentleman concluded by suggesting that the Government should go for greater simplification in the benefit system. We agree. That is why the benefit simplification programme is under way, with more to come, which I am sure he is eagerly awaiting.

The hon. Member for Ludlow (Mr. Dunne) asked whether things were improving. They are. The figures that I announced and clarified for the hon. Member for Inverness, Nairn, Badenoch and Strathspey show that things are improving. We can report that the situation is better than the £3 billion-plus total that the hon. Member for Ludlow has already seen and which was mentioned in the Public Accounts Committee report.

I am pleased that the hon. Gentleman is a member of the Select Committee and I look forward to seeing the Committee's deliberations on incapacity benefit. I am pleased also that he praised the efforts of his local authorities in helping us bear down on benefit fraud. He was right to do so, and I am happy to add my praise for any local authority, whatever its political complexion, which helps us to bear down on benefit fraud. A significant number are and we are grateful for their efforts. I can reassure him that there will be no reduction in the number of staff tackling benefit fraud.

The hon. Gentleman rightly praised the work of citizens advice bureaux and I am happy to add my praise to his. As well as the CAB, other voluntary organisations, such as welfare rights groups, work hard for no reward to help people deal with the benefit system. They do extremely valuable work.

Eliminating a culture where defrauding others is seen as acceptable is part of the Government's respect agenda, but it is also vital in maintaining support for the welfare state and a caring and compassionate society where self-help and mutual help go hand in hand. Our aim is to reduce loss to the benefit system still further. The strategies we have in place and the further actions I have outlined during the debate will enable us to do just that.

I close our debate by sending a clear message to those who seek to defraud the benefit system. They need to understand that we have more powers than ever to detect, prosecute and punish those committing benefit fraud. By using better technology and effective data matching, fraudsters are being investigated without their knowledge. They will be caught and they will be punished.

Lord Commissioner of Her Majesty's Treasury (Joan Ryan): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

PETITION

IsItFair Campaign

4.15 pm

Mr. Edward Garnier (Harborough) (Con): I beg leave to present a petition on behalf of a fair number of my constituents from Market Harborough and a number of surrounding villages that forms part of the IsItFair council tax protest campaign.

The petition declares:

That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Rapid Transit Scheme (Belfast)

Motion made, and Question proposed, That this House do now adjourn.—*[Joan Ryan.]*

4.16 pm

Mr. Peter Robinson (Belfast, East) (DUP): I am grateful to the House for the opportunity that this Adjournment debate provides me to raise the issue of a rapid transit system for Belfast. I am sure that the Minister is also glad that the debate is being held at quarter past 4, rather than 6 o'clock. I can see him working out his flight schedule in his mind already.

This scheme is not a new proposal for Belfast and Northern Ireland but one that was established as an integral part of the Northern Ireland transportation strategy document, yet very little progress seems to have been made on it in the past three years. Belfast, like virtually every other United Kingdom city, faces growing transport problems. Over the next years and decades, those problems are set to increase significantly. Given the relentless growth in traffic, our roads will become increasingly congested, with implications for economic growth and social mobility.

Of course, the motor car must be part of the solution, but we cannot allow it to be the sole one; public transport must play an increasingly important role in dealing with the anticipated problems. Unless we start to deal with those problems now, however, the cost to the economy will be significant. Solutions to transport problems are rarely short-term or cheap, but the cost of not tackling them in advance is even greater.

When I was Minister at the Department for Regional Development in Northern Ireland, we undertook work on developing a rapid transit system for Belfast. I received much support from the Assembly's Regional Development Committee, and later the Assembly unanimously supported me when I introduced the Province's regional transport strategy, which incorporated the piloting of a rapid transit scheme for Belfast. Yet, since devolution was suspended in Northern Ireland, no discernable progress has been made in accomplishing that objective—an objective that, I repeat, was unanimously supported by Northern Ireland's political parties. One might have thought that the Government would be keen to encourage Northern Ireland's political parties when they are able to agree unanimously.

I believe that a rapid transit system can be created in Belfast that will not need to carry the costs associated with light rail but can achieve the modal shift that is required if we are to avoid gridlock on some key traffic corridors in the Belfast area in the future. Historically, it has been difficult to persuade many people out of their cars and on to public transport, as the bus has not been an attractive alternative. Although I welcome the concept of "metro" in Belfast and although the provision of bus lanes and a more reliable service can play an important role in encouraging people to use public transport, for many people they will never be attractive enough to replace the car. Rapid transit has that potential.

The EWAY corridor presents Belfast with a tremendous opportunity to introduce a rapid transit system that can meet the particular circumstances of the city. It offers many benefits, including a potential solution to increasing traffic problems in the corridor, consistency with Government policy, the integration of transport and land use planning, private investment in public transport, the opportunity to encourage people out of their cars and a pilot scheme at reasonable cost that could be expanded right across the city.

In the past, the main objection to rapid transit in Belfast has been its potential cost, but a number of new developments offer a way through this difficulty. Rapid transit projects usually focus on some form of light rail or guided bus system that can, admittedly, be very expensive to create and maintain. Although such systems have been able to encourage people to make the shift from the private car—normal buses have been unable to achieve that—that result has been achieved only at significant financial cost.

There are, or at least there were, those in finance and personnel in Northern Ireland who argue that the cost would be disproportionate. I always contended that they had not placed sufficient weight on the consequences, not least to our economy, of congestion and gridlock around Belfast. Yet they argued that, although rapid transit can be justified in cities with high population densities, it is more difficult to justify in cities with a relatively low density such as Belfast. However, I remember arguing that cities such as Helsinki, even with a relatively low population, have often shown that effective public transport is possible.

The Assembly's endorsement of the rapid transit scheme swung the argument decisively in favour of proceeding with the scheme. Indeed, £100 million was, if not allocated, certainly earmarked for such a scheme to proceed. However, the return of direct rule Ministers left the doubting Thomases in finance and personnel in a strong position to apply the brakes—that they seem to have done. Today, with a relatively new incumbent in office, I appeal to the Government to look afresh at the potential that such a scheme could offer for Northern Ireland and particularly for Belfast.

Changing technology and other alternatives present opportunities to revisit the issue of rapid transit. It has been demonstrated in other parts of the world that, with the correct infrastructure, it is not necessary to have very expensive transport vehicles with very high ongoing costs. I believe that such an approach could be taken in Belfast. For example, the Wright Group from Ballymena in the constituency of my hon. Friend the Member for North Antrim (Rev. Ian Paisley)—I believe that the Secretary of State took the opportunity to visit the firm recently—has produced a "street car" that could deliver the same results as light rail at a much lower cost. This is being sold across Europe and in Great Britain, but there has been no opportunity to make use of it in Northern Ireland.

The natural place to have a rapid transit pilot in Belfast is along the eastern approach into the city, an area that has become known as the EWAY. Given that much of the EWAY corridor is already in place and in public ownership, with the old disused Comber railway line, this could be transformed at a relatively limited expense compared with the costs that would be associated with the compulsory purchase of a route. There would also be the advantage of vehicles such as the street cars being able to travel across the designated area previously used by the old Comber railway and

then travel on normal streets—albeit in designated bus lanes—thus reducing the costs even further and allowing for greater flexibility.

The development of the EWAY is, strictly speaking, Government policy. In 2002, the Northern Ireland Assembly unanimously endorsed the regional transport strategy, which included proposals for a rapid transit system. The strategy provided for a total cost of £100 million to commence a rapid transit network. On suspension, the then Secretary of State announced that his Ministers would operate within the policies set down during devolution. That is all that I am asking the Minister and the Government to do.

The proposal is also consistent with PPS13 on transportation and land planning, which sets out its main objectives as promoting sustainable transport choices and accessibility for all, and reducing the need to travel, especially by private car. The EWAY satisfies all those objectives. Since devolution was suspended, the project seems to have been put on hold. It will require a long lead-in time. Years are being wasted without any action appearing to have been taken. With direct rule, the project has not been seriously taken forward but there is now an opportunity for the new Minister—if I may call him that—to take it up and carry it forward.

During devolution, I took the opportunity, while in the Department, to examine various forms of rapid transit, ranging from light rail through guided bus to a more conventional bus with high-quality infrastructure and dedicated separate lanes. Brisbane in Australia, in particular, appeared to offer a high-quality service without the need for high expenditure. There are already many cities in the UK that operate rapid transit systems with varying levels of success. The beauty of the EWAY scheme is that it could meet our traffic needs in a way tailored to our own circumstances. Belfast has a tremendous opportunity through the EWAY to tailor a transport solution that will suit its own needs.

Self-evidently, one of the most significant considerations concerning the proposal will be cost. Despite the involvement of the private sector, public investment will obviously be required. However, that could be limited through a number of factors. By using a form of bus-type transport, the need for huge investment would be reduced. Using the old Comber rail line as a significant element of the route would also limit the need for huge investment.

There is also the potential to exploit the planning gain of the scheme by creating a zone at the terminus in which development would be encouraged, but phased, to help to finance the scheme. In planning terms, it is better to control the development that will unquestionably and inevitably take place given that, over the years, it will be attracted to be near to the scheme. The Government should make a virtue out of the necessity and ensure that piecemeal development does not take place at the early stage and that the growth around the EWAY is controlled and in order.

The Government have an opportunity to plan land use and development carefully. Indeed, the promoters of the project will be able to identify development opportunities even along the route. To maximise the benefit from the project, I suggest that we try to make developers pay for a significant portion of the EWAY's cost. Such development payments on targeted development would not only reduce the cost to the public purse, but strengthen the viability of the project by enlarging the pool of patrons who would use the service. Moreover, it could also provide significant resources to interest the private sector in the project. That approach has already won considerable local support from Castlereagh borough council, which has put such a proposition to the Government.

In those new circumstances, and with an innovative approach being taken, the EWAY could not only provide a solution to the traffic problems down the eastern corridor into Belfast, but prove to be a model for the future. Rather than waiting another 10 years until congestion forces the Government to act, or alternatively for the return of devolution, the opportunity should be taken to press ahead with the project now.

The project in the east of the city is a pilot, but the plan worked up during devolution was for the whole city, with an east-west route and a north-south route. It was suggested that it was possible to grasp the public's imagination with such a project. I put it to the Minister that there are examples of places throughout the United Kingdom where people have not been prepared to get out of their cars to travel on buses, but have been prepared to do so to travel on trams, light rail and guided buses. There is, however, a need for ministerial commitment to drive the scheme forward. I hope that we shall see something of that commitment this afternoon.

I suggest that the Minister consider the appointment of an EWAY project group that is tasked to take the project forward, subject at appropriate stages to ministerial approval. The group could comprise representatives from Translink, business the construction industry, financial services and transport-related academia. The extent of local political involvement may also be an issue, and such involvement may come from those elected to the Assembly or representatives from Belfast city council and Castlereagh borough council.

The project group could be expected to provide recommendations on the detail of the scheme, including costings and proposals for raising the funds to offset the costs and options to finance any shortfall. The remit of the group would also include making recommendations on the operation of the EWAY.

This exciting and challenging project is capable of firing the imagination of the public and making a positive contribution to improving transportation and life in Belfast, but it will not happen without political leadership. I hope that the Minister and the Government will take this opportunity to look again at its potential.

4.31 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Shaun Woodward): I congratulate the hon. Member for Belfast, East (Mr. Robinson) on securing the debate. There may be significantly fewer Members than we would like in the Chamber, but the matter will receive appropriate attention in the broadsheets of Northern Ireland.

I know that the hon. Gentleman has considerable interest and expertise in this subject. That is not least because, as he said himself, he was Minister for Regional

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Development during devolution in Northern Ireland. In that capacity, the hon. Gentleman brought forward the 10-year regional transportation strategy for Northern Ireland, on which I congratulate him. It was, as he said, agreed unanimously by the Northern Ireland Assembly in July 2002.

We continue to welcome all-party agreement wherever we can find it. The hon. Gentleman said that it is Government policy, and he is right. It is still Government policy. The regional transportation strategy presented a range of initiatives. If implemented, those initiatives would make a significant contribution to achieving the longer-term vision for transport that is set out in the regional development strategy 2025. To remind the House, that goal is of a modern, sustainable and safe transportation system which benefits society, the economy and the environment, and which actively contributes to social inclusion and everyone's quality of life.

The hon. Gentleman, as Minister for Regional Development, knew that it was an ambitious strategy. In looking back at the minutes of the regional transportation strategy meeting of June 2002, I see that he noted that the then First Minister had raised questions over the deliverability of the transportation strategy, but felt that it was

"better to fall short of an ambitious target than to meet a comfortable target."

The hon. Gentleman pointed out that there would be no great problem if the RTS were achieved in 11 years rather than 10.

I comment on that because, when considering the urgency with which we are asked to address this issue, I remind the hon. Gentleman that at the time he recognised that it was an ambitious strategy, that getting there in the end would be better than not getting there at all, that it might be better to regard the priorities immediately ahead of him as ones that needed to be achieved, and that that was not, for one moment, to put the rapid transit project to one side.

The regional transportation strategy is the basis on which all transportation initiatives are now taken forward. It provides a framework for the development of transport plans which contain detailed programmes of major schemes and transport initiatives. Transport plans link with development plans and provide the region with an integrated approach to transportation and planning. The regional transportation strategy, the hon. Gentleman will remember, identified a requirement for £3.5 billion of expenditure from 2002 to 2012 to address deficiencies in Northern Ireland's transportation infrastructure and to work towards realising a long-term vision for transport. The regional transportation strategy included an estimate of £100 million to start a rapid transit network for Belfast. That was to be taken forward in the context of the Belfast metropolitan transport plan, which was published last year. The hon. Gentleman suggested that little progress had been made, but I believe that the transport plan demonstrates considerable progress. However—and this is an extremely important point—the regional transportation strategy makes it clear that the level of available funding from public expenditure would have to be determined through normal budgetary processes. According to the minutes of the meeting in which he took part in a ministerial capacity in 2002, he pointed out that the funding was not complete and that it would be

"impossible to predict what would be happening regarding funding in the future."

Furthermore, commitments to proceed with major schemes cannot be given until, as he will recall, appropriate economic appraisals have been considered and any statutory procedures concluded. I will return to the issue of economic appraisals, which the hon. Gentleman takes seriously. It would be foolish to launch an economic appraisal in the certain knowledge that in the next two or three years there would not be money in the budget to fund the £100 million scheme.

The hon. Gentleman will be aware that the Department for Regional Development published the Belfast metropolitan transport plan last year. It supports the draft Belfast metropolitan area plan published by the Department of the Environment's planning service. The proposals in the transport plan set out the way in which the regional transportation strategy will be implemented in Greater Belfast, and outlines transport schemes and projects until 2015, all of which would be subject to statutory processes and the normal budgetary processes. The Belfast metropolitan transport plan confirmed that rapid transit is a component of a series of proposals to improve public transport in the Belfast metropolitan area. As the plan states, there is a clear requirement to improve the quality of public transport services in the metropolitan area so that there is a modern, integrated and accessible public transport system that extends travel choice for all.

The Government want public transport to be a viable alternative that replaces many journeys currently taken by car, particularly by commuters, and to provide a high standard of transport for people who do not own or have access to a car. The transport proposals in the plan aim to bring about a step change in the quality of public transport services involving the improvement of the commuter rail network, the creation of an extensive network of quality bus corridors, the provision of high-quality park-and-ride facilities in each main transport corridor, and the development of a rapid transit network for the city.

Turning specifically to rapid transit, the Belfast metropolitan transport plan indicates that the pilot stage of a rapid transit network could be implemented by 2015. It confirmed last year that EWAY remains the preferred option for the pilot—a selection that recognises the need to supplement conventional bus services in that transport corridor, which has not had a rail link for decades. The choice was strongly influenced by issues of practicality, as much of the land for the scheme was already in the Department's ownership.

The hon. Gentleman will be aware that EWAY emerged from work by Translink in 1998–99, which examined a wide range of transport options for the Newtownards corridor. That work concluded that any future public transport system in the corridor should be bus-based, as forecast levels of demand were not sufficient to justify more expensive rail-based systems, as the hon. Gentleman said. Furthermore, economic analysis showed that the best-performing schemes

would use the old railway line as a busway, a road or a combination of the two. Those studies contributed to the development of the transport initiatives included in the Belfast metropolitan transport plan.

The hon. Gentleman will remember that work was undertaken at the same time to examine the technical feasibility and costs of EWAY. The preferred option, which emerged from that work, involves building a new road between Quarry Corner and East Link road for both rapid transport and other traffic. A park-and-ride site at Millmount would have access by new link roads to both the Newtownards and Comber catchment areas. For 5 km of the route, the rapid transit system would run along the former Comber railway on a dedicated busway using kerb-guidance technology. The design of that section would also incorporate provision for walking and cycling. Any delays owing to general traffic on the section between Holywood arches and the city centre would be minimised through the implementation of bus priority measures.

I know that many in Belfast wanted a more aspirational transport system such as a tram system or a light rail system like those in Manchester or Sheffield. The hon. Gentleman has recognised that that would be very expensive. Work carried out by Translink and the Department suggests that the type of system that best meets overall objectives is one that uses guided-bus technology. The hon. Gentleman will be familiar with such systems. Indeed, he referred to his exploratory visits to France and Australia when he was Minister for Regional Development. Advances in vehicle design mean that newer vehicles, which make bus-based solutions even more attractive to the travelling public, have come on to the market.

The hon. Gentleman also referred to the Secretary of State's visit this week to the constituency of the hon. Member for North Antrim (Rev. Ian Paisley). The Secretary of State took the opportunity to visit the Wright Group, which has developed a suitable vehicle, the streetcar, in Ballymena. That vehicle, which is almost 20 m long, looks like a modern tram, but it is free from the restriction of having to operate only where there are rails on the road. It can carry more than 100 passengers; it is fully wheelchair accessible; it has high quality seating; and it has other facilities such as screens providing passenger information.

The success of the pilot EWAY scheme will dictate the extent of further development of the rapid transit network for Greater Belfast. The Belfast plan identifies three other possible routes, and implementation has been proposed for after 2015. The three routes include a rapid transit route from Belfast city centre to west Belfast, a new route linking Belfast city centre and Belfast City airport through the Titanic quarter of the Harbour estate in the Bangor corridor, and a super route in the Downpatrick corridor.

Moving from the vision to the reality, there has been a steady decline in the number of people travelling on public transport in the Belfast metropolitan area. As the hon. Gentleman knows, the trend began long before the publication of the regional transportation strategy. The good news is that last year the figures began to rise for the first time, but they have still not returned to the baseline level on which the regional transportation strategy targets were based.

Translink has being working on a programme of change for the future, ensuring that new and better services are provided for more people now. For example, the launch of Metro signalled a radical change in the delivery of bus services in Belfast and Greater Belfast. The Metro network in Belfast is operated by modern, accessible low-floor vehicles. Translink is committed to the ongoing improvement of its Metro network to maximise the performance of its services for its customers, and a second phase of improvements to Metro services is being developed. In the forthcoming months, Translink will undertake a fundamental review of the Metro network in conjunction with the General Consumer Council.

These are early days, but the results are encouraging for the people of Belfast and Greater Belfast. Passenger numbers on Metro have increased by 7 per cent., which represents 27,000 extra passenger journeys every week. In addition, passenger numbers have continued to grow on Translink's Goldline services, which are showing a 16 per cent. increase. Translink is also working hard to deliver better Northern Ireland railway services. The new state-of-the-art trains and the new timetable have increased capacity by up to 50 per cent. on the Portadown-Belfast-Bangor corridor and have attracted new passengers. Ongoing infrastructure improvements at stations and the completion of the Larne line relay will further contribute to this step change in Northern Ireland railway services, which will ultimately deliver significant benefits to passengers in the Belfast metropolitan area and across Northern Ireland.

To that end, Roads Service and Translink are working together to establish a quality bus corridor programme to complement the operation of high-frequency accessible bus services on the Belfast Metro network. Quality bus corridors involve improving traffic management and providing bus lanes to ensure that buses are able to run on time, together with more bus stops, shelters and service information for passengers.

Let me turn to the immediate priorities for my Department. EWAY sits within a 10-year plan. For now, however, it is essential that we make hard choices and decide on the significant priorities that we must set across the whole transportation programme for Northern Ireland. As the hon. Gentleman said, transport investment decisions are crucial to the economic success not only of Belfast and Greater Belfast but of all Northern Ireland. EWAY has a crucial future role for Greater Belfast, but for the moment we still have to set our priorities within the Department.

The successes that we are now seeing in public transport have resulted from these correct priorities being set and continuing to be set in the immediate budgetary processes. Let me give one or two examples. With the Department's support, Translink has completed the purchase of 190 new buses and is being assisted to provide more than 350 vehicles to replace some of its ageing bus fleet at an overall cost of nearly £50 million. Other capital investments include the relay of the Bleach Green to Whitehead rail track at an estimated cost of £25 million, the provision of an £11.4 million train cleaning facility at Fortwilliam to accommodate Northern Ireland Railways' 23 new trains, and budget cover of £11 million to improve bus and railway stations. We have also been able to provide £93 million over the 2004 budget period for the

[Mr. Shaun Woodward]

development of the core railway network. The budget for the concessionary fares scheme is some £19 million per annum. The scheme provides free and concessionary travel to several categories of people, including children, older people and people with disabilities. That is a recurring and increasing commitment for the Department as more concession pass holders are attracted to use better quality and accessible public transport services.

EWAY is a large, complex and expensive concept, and, as the hon. Gentleman knows, there have been concerns about its immediate affordability. The estimated cost of implementing the pilot EWAY scheme is £96.2 million. The planning cost of the other rapid transit schemes is estimated at several millions more. The implementation of the EWAY proposals, as with all major schemes, will be dependent on, and subject to, detailed economic appraisal, funding availability and statutory processes. Initial and limited economic assessments of the scheme were not conclusive, but indicated that there was a realistic possibility that a bus rapid transit might have a positive net present value.

The future of a rapid transit scheme depends on the budgetary climate at the time, competing priorities, the procurement process used, and perhaps the level of risk that can be transferred to private sector interests. The Strategic Investment Board is fully involved in the consideration of this major infrastructure project. It recently commissioned a report to provide high-level guidance on issues that need to be addressed when considering rapid transit options. The Strategic Investment Board's skills and expertise are being used to advise and assist the Department in identifying private finance opportunities.

The hon. Gentleman referred to the idea of an EWAY transport group. I find that interesting and I believe that we should explore it. At the beginning of his speech, he referred to the importance of all-party consensus on the initiative. If he would like to pursue the idea—I believe that we should do so—perhaps he would consider whether it is possible for him to chair an all-party transport group about it. It would be extremely effective and important for the people who live in Greater Belfast.

The opportunities for expanding such schemes are obvious. The hon. Gentleman rightly referred to the advantages for the economy in Belfast and it would be a great shame if the skill and expertise that he amassed as Minister for Regional Development were lost. There is a genuine opportunity for him to become involved in that. However, an all-party basis is essential. The hon. Gentleman rightly made a virtue of the fact that he achieved agreement when he was Minister for Regional Development by bringing about cross-party consensus in the Assembly. I believe that, if he were prepared to consider chairing such an all-party transport group, it would be a constructive way forward.

We may wish to consider other proposals. We had explored the scheme in the context of an overall investment of £100 million in one go. I have been discussing with my officials proposals for considering breaking up the scheme into several components. For example, we have been examining the park-and-ride scheme and whether to consult bus companies about its use. We might be able to consider building the Millmount park-and-ride scheme and perhaps find a bus company that was prepared to work with that. If the hon. Gentleman considers chairing an all-party transport group, he will want to examine whether that, among other ideas, is a runner. The idea of building the Millmount park-and-ride scheme as a separate project from the overall scheme should not be lost on the hon. Gentleman. I do not believe that it would be lost on several people who want to commute in Greater Belfast. The scheme has considerable merit.

The hon. Gentleman asked whether it would be possible to introduce more private sector money. We have explored that and we will continue to do so. We are in some consultation with bus companies about the extent to which they would consider being involved in putting up preparatory moneys to explore the matter.

There is no doubt about the merit of EWAY for Belfast, Greater Belfast and Northern Ireland. In the compass of the Belfast metropolitan transport plan, I hope that EWAY becomes a reality by 2015. I can think of no finer individual than the hon. Gentleman to help us to ensure that, with all-party consensus, it is achieved.

Question put and agreed to.

Adjourned accordingly at seven minutes to Five o'clock.

House of Commons

Friday 14 October 2005

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

[SYLVIA HEAL *in the Chair*]

Orders of the Day

Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill

Order for Second Reading read.

9.34 am

Mr. Marsha Singh (Bradford, West) (Lab): I beg to move, That the Bill be now read a Second time.

It is with great pleasure that I present the Bill to the House. Its purpose is self-evident in its title. If it is successful, it will address an imbalance between England, Wales and Northern Ireland and Scotland. The Scottish Parliament has recognised that failure to provide assistance to victims of employment discrimination contravenes article 6 of the European convention on human rights, which establishes the right to a fair hearing. In Scotland the problem was tackled by extending legal aid, but I believe that there is a viable alternative, which I propose in my Bill.

Citizens Advice gets to the heart of the issue in a simple statement:

"Citizenship requires that rights granted by Parliament must be enforceable. Erecting ever-tighter barriers to justice through legal aid eligibility tests and rationed supply of subsidised services undermines citizenship."

I stand for social justice above all else. There can be no principled justification for failing victims of discrimination. We cannot continue to confer rights and not provide the wherewithal to exercise them: access to justice should be—must be—a fundamental right.

A veritable mountain of evidence demonstrates the need for my Bill. Despite 30 Acts, 38 statutory instruments, 11 codes of practice and 12 European directives and recommendations, widespread employment discrimination persists. That the legislation is so complex and inaccessible is one of the strongest points in favour of the Bill.

Mr. Oliver Heald (North-East Hertfordshire) (Con): One way of dealing with the problem would be for the Government to review the law of discrimination to make it much simpler. Discrimination law has grown piecemeal, which has led to a large and complex body of law. Would it not be better to review the whole area?

Mr. Singh: I would not oppose such a review, but in its absence we need to do something to ensure that the victims of discrimination have some way of exercising their rights and challenging that discrimination. That is what the Bill is intended to do.

Unfair dismissal accounts for just over a quarter of all employment claims in recent years—a proportion that has remained fairly constant. Such cases are the most successful, whether they reach the tribunal or are settled by conciliation: almost 60 per cent. are successful, of which 47 per cent. are settled by conciliation. Discrimination claims are increasing, however, from just over 11 per cent. of claims in 2002–03 to more than 13 per cent. in 2004–05, with the largest increases occurring in equal pay and sex discrimination claims. More than 10,000 claims went to tribunal in 2004–05. In 2001, there were more than 1,434 pregnancy claims alone.

It has been well documented that women continue to earn significantly less than men—18 per cent. less in 2003—and they are concentrated in lower-paid jobs, but that is far from their only disadvantage in the workplace. New research published by the Equal Opportunities Commission in February this year illustrated the shocking fact that, each year, approximately 30,000 women lose their job as a result of pregnancy; this includes being sacked, forced to leave or made redundant. Only a quarter of women surveyed did not experience any problems.

That is only the tip of the iceberg. The EOC research indicates that the majority of women do not pursue a claim because it is so difficult and costly and, in some cases, because they are not fully aware of their rights. Two BBC website readers described what happened when they told their employer they were pregnant. Clare, 29, from Bristol, had been working for an internet company as a project manager for six months when she became pregnant. Off sick because of morning sickness, she phoned work. She says:

"I was told that I would have to see the manager on Monday but on the Sunday I was called at home by the managing director who said I didn't have a job to go back to . . . . They said that as I had only been with them for six months, I had no rights",

and

"if I tried to sue them they would say that I had been sacked because I didn't fit in."

Mark Tami (Alyn and Deeside) (Lab): Does my hon. Friend have further information on that case? Was the woman represented by a union, and was she able to pursue it through that means?

Mr. Singh: I am sorry, I do not have those details, but I can try and get them. If my hon. Friend will be patient, I shall come to trade unions later in my speech.

Sarah, aged 28, from London had worked in public relations for eight years and for her current employer for eight months when she became pregnant. Within a fortnight she was called to a disciplinary meeting and given a list of grievances. She reported:

"I was told that they would decide over the next fortnight whether I would be able to stay."

Two weeks later she was sacked. Her solicitor advised her that she had a good case for sexual discrimination but would need to find between £7,000 and £10,000 to fight it.

[Mr. Singh]

Similarly, the *Birmingham Evening Mail* reported in April 2003 the case of Carol Bonehill, who received a card from work congratulating her on the birth of her baby, only to find that her P45 and a dismissal letter were enclosed. The northern complainants aid fund took up her case.

Mr. Kevan Jones (North Durham) (Lab): I used to practise regularly in industrial tribunals. My hon. Friend mentioned someone who was told that the case would cost £7,000. Does my hon. Friend agree that the problem with industrial tribunals is that lawyers have turned them into a feeding frenzy for themselves, not for claimants?

Mr. Singh: I entirely agree. One aspect of the Bill, to which I shall return, is that it does not put matters back into the hands of lawyers, but introduces a different system of advice and support.

Huw Irranca-Davies (Ogmore) (Lab): Although my hon. Friend said that he did not have all the information about the representation in those cases, one of the main issues is trade union representations. Unions have made great strides, but does my hon. Friend agree that the Government should consider improving the competence of trade union representatives? Does he recognise that a major issue is representation in non-unionised work forces, which are increasingly common?

Mr. Singh: I agree. I wish more people were union members. As I shall show, large parts of the work force, especially the most vulnerable workers, are not unionised. We have a duty and a responsibility to protect those workers as well.

On the case taken up by the northern complainants aid fund, although the employers denied dismissing the woman for being pregnant, she won her case at tribunal. The case was instrumental in prompting the equal opportunities investigation that I mentioned.

Citizens Advice told me about the case of Jean, a nursery worker who was eight months pregnant and a single mother-to-be when she sought advice from her local citizens advice bureau. Her employer of two years had been paying her less than the national minimum wage, had been making illegal deductions from her wages in respect of her attendance at antenatal clinics, and had never provided her with a written statement of her terms and conditions. Shortly before Jean was due to start her maternity leave, she had been summarily and unfairly dismissed—at a time when the Government are promoting the new deal to enable single mothers to go to work, instead of relying on state benefits. Here was a woman who had a job and lost it on spurious grounds.

The treatment of that young woman highlights other issues. It is not just about losing one's job. Unfair treatment can take other forms. A young pregnant woman who sought advice from a citizens advice bureau in London was working for a cleaning company. After she fell ill because of her pregnancy, her employer had suggested a reduction in her hours. She asked whether that would affect her maternity leave or pay, and her employer stated that it would not. However, shortly before the expected date of birth, her employer told her that she no longer qualified for statutory maternity pay as her earnings were now below the qualifying level. Clearly, the woman had been atrociously misled. We can only imagine the impact that the loss of pay would have at a time when a new baby is due.

Both the last two cases highlight important issues for wider social policy. We have made huge advances in ensuring access to antenatal care. Research has proved time and again that that is essential to the well-being of mother and child. If women suffer loss of wages by attending hospital appointments, we risk that progress being set back decades. We are committed to ending child poverty. Maternity pay is a crucial element in that quest, yet we see women being manipulated into losing that right.

Discrimination continues after maternity leave is over. The employer of a woman who approached a citizens advice bureau in Dorset in May 2000 had refused her request to work part-time on her return from maternity leave, on the grounds that there was no part-time culture in the firm. A citizens advice bureau in Wales reports the case of a woman working as a mechanical draughtsperson, whose employer had refused her request to return to work from maternity leave on a part-time, job-share or reduced hours basis. She felt pressurised into resigning and wrote to the company to say so, but received no reply. When she telephoned to try and discuss the matter, she was told that her employers were too busy to talk to her.

Bringing a case is costly and beyond the resources of most complainants. A three-day tribunal in London costs between £15,000 and £40,000.

Mark Tami: My hon. Friend is making a good argument for workers joining a trade union. One of the most significant benefits of being a trade union member are the excellent legal services that unions provide. I defy anyone to get the same level of legal protection from a firm of lawyers for the same amount of money as they pay for trade union membership. We should encourage people to join and make access to properly recognised unions easier.

Mr. Singh: I entirely agree, but what do we do in the meantime? What do we do about people who do not want to join a union? Should they not have access to justice?

Mr. Mark Harper (Forest of Dean) (Con): If workers choose not to join a trade union and not to avail themselves of the services that it provides, they clearly will not get them. I do not see why we should pass legislation to give them services that are available but which they have chosen not to take up. If members of a work force want those services, they should take the advice of Labour Members and join a union or some other organisation.

Mr. Singh: The hon. Gentleman clearly does not support access to justice for all. I do, and I hope many of my colleagues agree with me. We will find out later.

Tribunals in London cost between £15,000 and £40,000. Evidence of intimidation and unjustified threats has also been revealed by Citizens Advice.

Mr. Kevan Jones: I am interested in the figures that my hon. Friend quotes. In complex equal pay cases where barristers are employed and legal opinion must be obtained, such figures may pertain, but in my experience in some cases the tribunal will find in favour of the applicant because they are by definition unfair. Is it not possible that the Bill will be welcomed by lawyers in anticipation of higher fees for themselves?

Mr. Singh: One of the main selling points of the Bill is that it will do precisely the opposite, by setting up a system of advice and representation in which lay people and specialists in the subject who are not lawyers will also be involved.

Revised procedural rules introduced in 2001 increase the costs that can be awarded from £500 to a massive £10,000. Although there is little evidence that high awards are being made, this is not deterring employers from using the threat to intimidate complainants. Northampton citizens advice bureau was acting for a woman who had been dismissed two days after informing her employers that she was pregnant. She received a letter warning her that they could seek costs against her. Despite her strong case, she withdrew her claim. We can only speculate why more than half the sex discrimination claims were withdrawn in 2004–05.

Mark Tami: I worked for a trade union for 15 years and was involved in several tribunals. In my experience, it is rare that they even threaten to award costs. I am not aware of a case where that happened.

Mr. Singh: With his experience in the union, my hon. Friend has probably dealt only with a unionised work force. I am speaking about the huge number of people who are non-unionised. Perhaps my hon. Friend does not know about their experiences out there, but they are what I am describing.

Mr. Kevan Jones: I accept that many employers use such an approach as a threat against the applicant, but the applicant can always ask for a pre-hearing, or the tribunal chairman can have a pre-hearing to assess whether the case is frivolous and vexatious. During my long experience, I dealt with just one case during which a chairman applied a costs warning. Such a course of action is open to an applicant whether they are legally represented or they go themselves before a chairman.

Mr. Singh: My hon. Friend makes an important point, but some of the people I am discussing here number among the most vulnerable groups in society. They have the least support available to them, and they are also probably among the least well informed about their rights.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): Perhaps my hon. Friend will comment on the role of community law centres in giving advice and in providing representation in employment tribunals. Such advice can often put people's minds at rest about pursuing an employment tribunal case and the associated potential costs.

Mr. Singh: Community law centres play a very important role, but the problem is that many of them rely on funding from local councils or other bodies, and such funding is not always secure. In fact, because of the funding situation my own law centre in Bradford no longer has an employment lawyer. The case for this Bill is that we need a solid system throughout the country that enables people to get advice and help, without having to rely on law centres obtaining funding from local councils or the Law Centres Federation. That said, law centres do play an important role.

Huw Irranca-Davies: I have a genuine question that I should like to put both to my hon. Friend and to the Government, and perhaps I can expand on it later if I am fortunate enough to catch your eye, Madam Deputy Speaker. How many cases actually fall beyond the scope of the unionised work force and of legal aid? As it stands, I have no idea whether we are talking about a tidal wave of such cases, or just a few individual ones that are slipping through the net. If there is not a mass of such evidence, how relevant is this Bill?

Mr. Singh: I know that my hon. Friend is a very patient Member, and if he will bear with me I will deal with that point in due course.

Mark Tami: Will my hon. Friend give way?

Mr. Singh: Does my hon. Friend wish to monopolise these opening exchanges?

Mark Tami: I want to make just one further point, concerning the community legal service. I have compared the terms of reference of the body that my hon. Friend seeks to create with those of the CLS, and there appears to be a lot of overlap. Does he accept that in effect, he will be duplicating the CLS's role, and if so, what, in his opinion, is the future of the CLS?

Mr. Singh: The CLS's role will not be duplicated. The fact is that there is no nationwide system that provides assistance to victims of discrimination. We need such a system because the help available is very patchy; indeed, in many areas it is often non-existent. In Bradford, for example, employment advice, assistance and representation are now non-existent. My Bill will not lead to duplication; rather, it will set up a new system that will enable people to get proper access to justice, wherever they happen to live.

As I said, we can only conjecture as to why more than half of sex discrimination cases were withdrawn in 2004–05. My hon. Friend the Member for Ogmore (Huw Irranca-Davies) asked for some figures, which I can provide. The Equal Opportunities Commission estimates that 1 million women will experience discrimination in the next five years. The snapshots that I have outlined today conceal the vast amount of discrimination and misery that is experienced at what should be a happy time for such women. Moreover, there is also a loss to the economy. Replacing these

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women costs industry £126 million, so such practices are not only in many cases illegal and immoral, but uneconomic.

It may surprise the House to learn that such evidence is not entirely partisan; it comes from many unexpected and independent sources, such as the Industrial Society and the Policy Studies Institute. Even the CBI has acknowledged that a problem exists. On 1 October, amendments to sex discrimination legislation came into force, and employment experts believe that that could lead to an increase in the number of tribunal cases, as more women will be aware of their rights. But as I said at the beginning of my speech, rights are only part of the picture; they are meaningless without the means to assert them.

Of course, it is not only women who suffer employment discrimination. Disabled people are nearly nine times more likely than non-disabled people to be out of work and claiming benefits. Unemployment rates for ethnic minorities are 10 to 15 per cent. higher than for the white population; in some regions, they are more than 20 per cent. higher. Racial discrimination still features extensively.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I am particularly grateful to my hon. Friend for his lucid presentation of his Bill. He mentions discrimination against disabled people—a problem that has long since been recognised. Does he know the views of the Disability Rights Commission on this matter, and has it expressed an opinion about his Bill?

Mr. Singh: No, I do not know its views, but to be frank, in general, equal opportunities bodies are not in favour of the Bill. Funding for such a system would come from their existing budgets, and they are not going to support a Bill that would reduce their budgets.

Mr. Harper: That was a very helpful question and reply but I remain a little confused. As I hope later to discuss, quite a lot of taxpayer-funded organisations can already provide advice for those who need to go to employment tribunals. What on earth is the point in setting up this new organisation, cannibalising funding for the existing organisations and shifting it to another layer of bureaucracy, just so that the new organisation can provide advice that is already being provided? That seems a bizarre idea.

Mr. Eric Forth (Bromley and Chislehurst) (Con): It is very new Labour.

Mr. Singh: As I said earlier, the advice available for people who have suffered employment discrimination is very patchy. The equal opportunities bodies are not providing a national system of access to justice, and it is not a question of cannibalising funding for them. The point that this House must address, and which I shall deal with later, is that such bodies have not been spending enough of their budgets on helping those at the chalk-face who are suffering from employment discrimination. We need to ensure that complainants have the access to justice that they currently lack, despite the existence of equal opportunities bodies.

Mr. Harper: If the existing bodies, which receive a lot of money from the taxpayer, are performing as poorly as the hon. Gentleman suggests, what are they doing with their time?

Mr. Singh: I am sure that those bodies do a lot of important work in raising awareness of such issues, and so on, but I am not here to speak about what they do or do not do, except in the context of providing representation for discrimination complainants. Those bodies could doubtless answer the hon. Gentleman's questions perfectly adequately, were he to approach them.

Kerry McCarthy (Bristol, East) (Lab): The Bill's supporters cite the fact that a very small percentage of the current commissions' budgets—about 2 per cent. for the Commission for Racial Equality, just over 3 per cent. for the Equal Opportunities Commission, and 5.5 per cent. for the Disability Rights Commission—goes towards directly funding discrimination cases. But is it not true that the commissions also give a lot of money directly to bodies such as racial equality councils and local community groups, so that they can fund and support those involved in discrimination cases? Do they not also spend a significant part of their budgets on carrying out formal investigations, such as the recent inquiry into discrimination in the Prison Service? As in the case of the investigation into the death of Zahid Mubarek, we can sometimes be talking about loss of life rather than discrimination, so if 25 per cent. of the budget were taken away, would it not amount to a real hit on that sort of work?

Mr. Singh: In response to my hon. Friend, the funding of racial equality councils can be quite precarious: it is supplied on an annual basis and can be taken away at any time. If the leadership complexion of the Commission for Racial Equality changes, so can its priorities. I do not believe that taking some funding away to establish the proposed board would affect the organisation's major investigations. I would argue that there is room within the budgets to accommodate my proposals as well other work in the field.

Mr. Heald: Clause 3(3) effectively says that the Lord Chancellor must pay however much money is demanded by the board that the hon. Gentleman wants to establish. The money thus comes from the budgets of other organisations that we have mentioned, yet the hon. Gentleman claims to be worried about the precariousness of their finances. Could not the provision have the effect of destroying such organisations?

Mr. Singh: I do not accept that argument at all. The important investigative work of these organisations will continue. I would like to make some progress with my speech.

I should like to provide a couple of examples to illustrate my argument. The first case relates to my own constituency and underlines two important points. First, it not only demonstrates a vivid picture of

discrimination, but was directed against young Muslim women, one of whom was in her first job. Younger workers are particularly vulnerable. Secondly, it illustrates how the specialist help provided by the citizens advice bureau—the body contacted in the first instance—gave the workers the necessary confidence to take the case forward.

Four Asian young women were awarded nearly £50,000 in July 1998 in what was described as one of the most serious cases of racial discrimination against young women ever to come before an industrial tribunal in Britain. The tribunal heard an appalling catalogue of racial discrimination. The girls' wages were reduced, while white workers were moved to other jobs. Their terms and conditions were different from those of the white employees and they were systematically bullied and threatened by their white supervisor to the extent that one of them was called a "black bitch". One had been employed as a supervisor and had assumed the duties of the head supervisor, when the latter was absent, yet when the position became vacant, a white woman from another area of the company was given the job.

Asian workers in this company were instructed to undertake additional menial tasks, from which white workers doing the same job were excused. They were forbidden to speak to each other in their own language. It had been custom and practice to allow Muslim workers to carry holidays over, but that was abruptly changed, leaving the Asian women in a lottery in which only two of them could take holidays.

As the situation escalated and two of the young women were sacked, they sought the advice of the citizens advice bureau and were referred to the northern complainants aid fund. Although the company had a staff handbook, it was not readily available to the work force. White staff had time to read it, but Asian staff had to lose piece-rate pay to do so. The managing director was unaware of the CRE code of practice and staff had no training or understanding of their own equal opportunities policy. The judgment entered on their cases stated:

"Rarely have we seen a case where there has been so much evasion and contradiction. It is clear the respondent set out to smear the applicants."

The second case relates to a national company. In April 2003, a south London employment tribunal found that the UK's largest rental company, Hertz, racially discriminated against Howard Morant, a black supervisor at its Victoria branch in London. For 15 months after he was employed, he was kept on a lower wage than white workers doing the same job, and less experienced workers were promoted while he and other black employees were passed over. During the course of the hearing, it emerged that, although the company claimed to be an equal opportunities employer, it had failed to train its managers in race equality. As part of the tribunal's decision, Hertz was required to provide training in race equality for its managers in Victoria and other London branches within three months. It applied particularly to managers responsible for recruitment, selection and staff appraisals.

The provision of such training is one of the main recommendations in the CRE code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment, which was first published in 1983. Between 1983 and 2003, the CRE spent vast amounts of public funds encouraging employers such as Hertz to comply with the code and the law. Yet in the Hertz example, a single case brought by an employee—I emphasise, a single case—achieved greater compliance than the CRE managed in 20 years.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): Those two cases are appalling and absolutely indefensible, but they also illustrate the fact that both were brought before an industrial tribunal, were successfully prosecuted through it and with successful outcomes. I cannot quite grasp—I would be grateful if my hon. Friend elaborated—the significance of the fact that both these cases were successful without the Bill being in place.

Mr. Singh: I am happy to respond to my hon. Friend. Both cases were taken up by the northern complainants aid fund, about which I shall say more later. That organisation no longer exists because its funding was cut. That is why I want to establish on a statutory footing a right to representation, support and advice, which will not be subject to whims of funding bodies that can pull the rug out from under one's feet at a moment's notice.

Huw Irranca-Davies: My hon. Friend's ambition for the Bill is entirely laudable and I recall speaking in the House several years ago about deserts of advice in parts of mid-Wales, but the issue is how best to achieve the objective without sacrificing other sectors. Could it not be argued that there should be a role for the Legal Services Commission and that the Government should seek means of filling in the gaps in the desert rather than fitting a superstructure on top, which might jeopardise other organisations? I do not want mid-Wales to have a wonderful oasis of legal advice at the risk of what is going to happen in Cardiff, Central. That is my fear.

Mr. Singh: The point of the Bill is not to have deserts and oases, but to establish a constant pattern of support across the country, which does not exist at the moment. If we leave it to existing bodies, I do not believe that we will see much further action taken: it has not happened so far. If the Scottish Parliament has addressed the issue by extending legal aid, is it not incumbent on our Parliament to extend similar rights of access to justice to complainants of discrimination in this country?

Huw Irranca-Davies: But would my hon. Friend accept that, as he said in his opening remarks, Scotland has dealt with the matter by increasing funding and legal aid? There may well be a case for filling in the gaps in the deserts of legal advice, but that is quite different from what is being presented here today.

Mr. Singh: My hon. Friend will realise that in a private Member's Bill we cannot ask for new money, so that avenue was not open to me. The two cases I cited would not have been brought without the northern

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complainants aid fund, which highlights why we need help and advice in a statutory framework for the whole country.

Mr. Owen Paterson (North Shropshire) (Con): Can the hon. Gentleman tell the House what lessons he has drawn from the Scottish experience and put into his Bill?

Mr. Singh: An extension of legal aid in Scotland has put money into lawyers' pockets, but my Bill is a not for profit measure that will involve lay people and not simply lawyers, who would be involved only in certain circumstances at the very end of the process. That is the difference between what I am proposing and what happened due to the extension of legal aid in Scotland.

Mark Tami: But surely to qualify in Scotland the case has to be complex, which is not the same as the provisions of my hon. Friend's Bill.

Mr. Singh: I am not entirely sure about that, but if that is so my approach is better than the Scottish approach because it will give direct help, advice and representation to people who need it and who have a viable case.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I have been listening carefully to the case that the hon. Gentleman is putting to the House. We need to consider what he is saying in context and it seems to me that he is being a little careless about the question of costs in his Bill. Costs will be involved in setting up the board and whoever the board appoints. Even worse, in the wider context of paragraph (v), subsection (f), clause 13, the costs of those attending the tribunal would also be met, irrespective of whether they had a proper case. The case might be vexatious or the complainants might be liars but their costs would still be paid. Can the hon. Gentleman give the House some idea of what he expects his Bill to cost the Exchequer?

Mr. Singh: No. I cannot give the hon. Gentleman that information, but codes of practice would be drawn up by the board so that the type of case he cites would not go through. The system would be accountable and, to be part of it, bodies would have to prove that they were efficient and effective in mounting cases.

Age discrimination is on the increase. By 2006, there will be more people aged between 55 and 64 than 16 to 24, and 45 to 59-year-olds will form the largest group in the labour force. However, discrimination affects both older and younger workers. The young are least likely to have access to representation, especially when they are entering the job market for the first time.

Other forms of discrimination include homophobia and religion. All result in lost output to the economy, which is impossible to quantify and an unacceptable blight on social cohesion and human rights. Indeed, fighting discrimination is so difficult, as we have seen, that almost half all discrimination cases are withdrawn compared with a quarter of unfair dismissal claims. Behind those figures lies a picture of misery and lost potential. If even a small percentage of those cases were withdrawn due to lack of representation, it is tantamount to a national disgrace.

Mr. Clifton-Brown: I am grateful to the hon. Gentleman for giving way twice so generously and I shall not trouble him again.

My previous intervention was a little careless in that I said that the costs were Exchequer costs. They are not. They are directly attributable to the Lord Chancellor because a private Member's Bill cannot include increased costs to the Exchequer; ipso facto, all the costs that the hon. Gentleman cannot quantify will come from the budget of the Lord Chancellor and the Department for Constitutional Affairs. What does he think should be cut from that budget at present to pay the costs of his Bill?

Mr. Singh: The Bill is about principles; it is about access to justice and whether we believe in that. If we followed the hon. Gentleman's argument on costs, we would not be providing access to justice for many groups of people. The principle of the Bill is not finance; it is about providing access to justice for some of the most vulnerable people in our society.

Huw Irranca-Davies: My hon. Friend read a brief but appropriate list of groups of people who suffer discrimination. A fortnight ago, I visited a group in my constituency, the Yellow project, which deals with young, single, homeless males who are liable to suffer particular forms of discrimination in the work force. Although my hon. Friend's Bill has entirely appropriate aims and principles behind it, I am not clear how it would reach such people in a way that current provisions do not.

Mr. Singh: The group in my hon. Friend's constituency may have support, but support for various groups of people is patchy across the country; for example, it does not exist in my constituency, in Bradford. The whole point of the Bill is to set up a national framework of help and support that is consistent throughout the country.

Mr. Paterson: I am most grateful to the hon. Gentleman for giving way a second time, but his answer to my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) was totally unsatisfactory. There is a given pot in the Lord Chancellor's Department to deliver justice, yet, for example, in paragraph 10 of schedule 1 we see that the board will pay the chairman and any other appropriate staff. What analysis has the hon. Gentleman made of the real cost of that and what impact will it have on other aspects of justice? How do we know that other people who want legal services will not be prejudiced by that quango, the financing of which seem to be open-ended?

Mr. Singh: The financing of the board will come from existing equal opportunities bodies. As those bodies will be merged under the Equality Bill, the board could be part and parcel of that reconstruction.

Mr. Harper *rose—*

Gordon Banks (Ochil and South Perthshire) (Lab) *rose—*

Mr. Singh: I think I have been more than generous in accepting interventions and I would like to make some progress.

I want to turn to some of the specific principles that underpin the Bill. Recent legislation and policy guidance have demonstrated a trend toward discouraging litigation in favour of dispute resolution. We have seen that in the revised employment tribunals regulations and the Employment Act 2002. I am in favour of that, provided that it genuinely works to resolve discrimination rather than simply pushing complainants into withdrawing genuine claims. It must not be an excuse to conceal or bury discrimination. My Bill will ensure that that does not happen.

The Bill's provisions will provide the best possible support for complainants; they are not about lining the pockets of the legal profession. The Bill explicitly does not provide for lawyers and barristers as the first recourse, but for specialist help that is properly accredited and monitored. Many claims are settled without a tribunal—as many as 46 per cent. for unfair dismissal, 49 per cent. for disability discrimination and almost 40 per cent. of equal pay claims.

An employment lawyer, quoted in *The Guardian* in July 2004, estimated that 85 per cent. of employment claims are settled out of court—a strong indication that the majority of complainants would prefer a conciliated settlement. Few actually want their day in court; they want to exercise their human right to access to justice and to redress discrimination and unfair employment practices. There will of course be a few cases where lawyers are necessary, but the process will ensure that it is only when they are really justified.

Since the 1990s, we have seen an emphasis on fostering development in the voluntary and not-for-profit sector. While this confers a valuable and desirable degree of independence, it is vital to ensure that the service delivered is to a high standard. The Bill aims to do just that.

We are all well aware of the sterling work carried out by many voluntary bodies, such as Citizens Advice and law centres, which undertake a range of advice services and are frequently constrained by lack of adequate funding. A quote from Citizens Advice illustrates this. Citizens advice bureaux place great emphasis on mediation, negotiation and settlements, use of tribunals, ombudsman schemes and other alternative dispute resolution procedures where these are effective. But, as I mentioned, they are constrained, not only by the total amount of funding they have overall, but restrictions on how it can be used, and

"there are no incentives or rewards for publicly funded practitioners to pursue these avenues for clients. For example Citizen's Advice Bureaux are currently limited in the amount of contract time they can claim for dealing with correspondence on behalf of clients, which may be essential to negotiate a resolution, and can prevent the client being taken to court in debt cases".

Citizens Advice goes on to suggest:

"Incentives to negotiate effectively in complex cases should be structured into the contractual regime and into the funding code".

I also draw attention to an example from my constituency. The northern complainants aid fund was founded in 1991 by a group of former complainants in Bradford. Between 1992 and 2003, the NCAF represented complainants in 110 successful discrimination cases at employment tribunals and negotiated settlements in hundreds more cases. It also provided training for union staff and others working on discrimination and in 1993 was described by the CRE as a best practice model. The landmark Birmingham pregnancy discrimination case that I mentioned earlier, which stimulated the Equal Opportunities Commission research, was brought by the NCAF. Yet, because of cuts in funding for complainant aid, in 2003 it was forced to suspend direct assistance.

That picture is repeated again and again. Bradford law centre has had its local authority grant cut and has had to reduce considerably the time that it can allocate to employment cases.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The hon. Gentleman is regularly referring to the absence of funding for the CRE, citizens advice bureaux and like. But those bodies are not there to act as adjudicators and lawyers themselves; part of their function is to refer to lawyers who do have access to the necessary funds, through legal aid. He is therefore proposing a duplication of something that already exists.

Mr. Singh: Yes, but I did not refer to a lack of funding of the CRE. Part of my Bill addresses the complaint that the equal opportunities bodies are not doing what they should be doing—giving support to people with discrimination claims. The problem with going to lawyers is that there is no funding available to unfair dismissal or discrimination complainants. No legal aid is available to them.

Mr. Vara: Legal aid is available to anyone who has a just and valid cause.

Mr. Singh: I am afraid that the hon. Gentleman is wrong. No financial assistance is available to complainants in such cases.

The picture is repeated again and again. I have no doubt that the pattern of cuts that I mentioned can be found right across the country and in very many constituencies represented here.

Mr. Flello: I am grateful to my hon. Friend for giving way to me yet again. The Legal Services Commission website—community legal services, the legal aid scheme—says clearly that it funds cases relating to employment and provides help ranging from information leaflets to other services, to specialist advice and taking cases to court where necessary. I should be grateful for my hon. Friend's comments on that.

Mr. Singh: I am grateful for that intervention. Whatever is stated on that website, the reality is that for the majority of people no assistance is available, and I am on my feet today to try and redress that. *[Interruption.]* With the leave of the House, I shall continue.

Some hon. Members may say that this work should be covered by the existing equality bodies. That is clearly not happening. Between 2002 and 2005 there was a systematic reduction in the already small amount of money available for representation. In June 2004, the Government released figures that revealed that for 2004–05 the CRE had earmarked 2 per cent. of its annual budget for discrimination cases, the EOC

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3.1 per cent. and the Disability Rights Commission 5.5 per cent. That does not amount to significant support. The Equal Opportunities Commission, for example, tends to take up cases of "strategic importance", which to some extent applies to the CRE and the DRC. That is, it will support a claimant in bringing a case that will assist in setting a precedent for other cases. That is of little value unless those that follow have the resources to pursue their own complaint.

Hon. Members may also argue, as they have, that such support is a job for trade unions. I do not dispute that. My concern, however, is that union membership is not as high as many of us would like, and some groups of workers are especially vulnerable. Department of Trade and Industry figures for 2004 show that fewer than a third—28.8 per cent.—of workers are union members, and in the private sector fewer than a fifth—17.2 per cent. Union membership is even lower for the 16 to 24 age group, at 8.9 per cent.

Mark Tami: Does my hon. Friend accept that there must be a balance and we have to be careful that while giving the appropriate rights we do not legislate unions out of existence? In countries such as France, where perhaps the terms of such legislation would go much further, trade union membership is very low indeed, apart from in a few sections of the public sector.

Mr. Singh: The reality is how I portrayed it, and I am trying to achieve a balance between those people who do get support because they are in unions—I would encourage more people to join a trade union—and the vast majority of people who are not in trade unions, who cannot access the support that they need in such cases. Young people are especially vulnerable. They are unlikely to be unionised and may face discrimination at the point of finding a job. In July 2005, Radio Five Live carried out a survey that exposed discrimination between job applicants. It sent dummy CVs to 60 companies. It found that 23 per cent. of those with "white" sounding names were offered interviews, while only 9 per cent. of applicants with Muslim names and 13 per cent. of those with African names were offered interviews. Nine years before, a young Bradford jobseeker, Tahir Hussain, had tested that himself with the same result, which resulted in 11 successful tribunal cases. In the 1980s, the charity Scope conducted a survey on similar principles in relation to disability—and yes, the results were the same.

Kerry McCarthy: In relation to the young man from Bradford who tested the system and as a result brought 11 tribunal cases, does that not back up the fact that representation is available or that people can bring successful cases without the need for the Bill?

Mr. Singh: That was possible when support was available for that young man. That support is no longer available in Bradford or in many other parts of the country. Either we work on the desert and oases principle that was propounded before—that we have a service in many areas of the country and we are not bothered if there is no service in others—or we have a national system that gives all complainants of discrimination in employment equal access to justice. There is no such system at the moment.

Some might suggest that no win, no fee arrangements are available to complainants. Such arrangements have received a bad press of late. There is no doubt that such agreements do not favour early conciliated resolution. Indeed, they are specifically geared to litigation. As well as often leading claimants into debt, they lead to gridlock in the courts. The complex financial and legal processes involved are often misunderstood by complainants. There is widespread mis-selling of legal insurance products. Complainants are subjected to high-pressure sales tactics by unqualified salesmen. Inappropriate marketing and sales practices are used—for example, with salesmen approaching accident victims in hospital.

Few complainants seem to understand the risks and liabilities that they are exposing themselves to when they are misled into thinking the system will be genuinely conducted on a no win, no fee arrangement. They often find that there are hidden and unpredictable costs. Loan-financed insurance premiums, in addition to other legal costs, can often wipe out claimants' compensation. In some cases, complainants even owe money at the end of the process. So we can see that discrimination in employment is widespread and begins at the point of application. The existing equality bodies allocate a pitifully small portion of their budgets to casework support, and the number of cases is accordingly small.

Mr. Heald: Would the hon. Gentleman like to comment on the interaction of clauses 4 and 5? Clause 4 seems to suggest that the board's main work—

Mr. Forth: Clause IV?

Mr. Heald: It is clause 4, but not that one. Clause 4 suggests that the board shall accredit bodies to tender for the work of providing assistance. Clause 5(5) suggests that, if the board is not satisfied that it is appropriate to select accredited bodies, it can select a non-accredited body. What is the point of all the accreditation work if the board can choose whoever it wants?

Mr. Singh: The board cannot quite choose whoever it wants. The accredited body in a certain area may have failed some of the monitoring tests, so to provide a service, the board would need to invite other tenders.

In summary, the Bill provides for an independent, adequately funded not-for-profit service to give specialist support on employment discrimination cases. That can be achieved without necessarily allocating new money, but rather by transferring funds from existing sources, which would be timely given that those bodies are being restructured. Integral to the Bill are provisions to ensure that that support is properly monitored, accredited and regulated.

Citizens Advice has commented:

"In a mixed economy of services, access to justice is best promoted through a diversity of pathways to legal redress. Tribunals are often described as a cheaper more accessible and user-friendly forum of adjudication; the various tribunals handle

over a million cases a year. However, there is no public funding available for legal representation at tribunals and users often find themselves dealing with complex legal issues and procedures unassisted. Across all the advice areas that come within the scope of the Community Legal Service, CABs frequently report cases, which demonstrate a clear need for public funding to be made available for representation at tribunals, and additional benefits to helping clients resolve issues through tribunal processes rather than allowing legal problems to escalate further. Given the principles imposed by the Human Rights Act, it is increasingly difficult to justify the exclusion of tribunal representation from the scope of the funding code."

Citizens Advice has also reported more generally on access to justice. In its report on community legal services, it found that 27 per cent. of citizens advice bureaux had difficulty in finding solicitors to deal with employment cases. Employment tribunals are intended to ensure that both parties are on a level footing. It is widely acknowledged that the law on this issue has become increasingly complex and frequently places the complainant at a disadvantage where employers have access to lawyers and barristers.

I quote Citizens Advice:

"Employment law also grows ever more complex, with the addition of new employment rights, and there is also a growing trend, first highlighted in Citizens Advice's 1995 report "Barriers to Justice", for employers at industrial tribunals to be represented by barristers or solicitors, again putting unrepresented applicants at a severe disadvantage."

Huw Irranca-Davies: Will my hon. Friend give way?

Mr. Singh: I should like to make progress.

Research shows that representation can make a real difference to the outcomes of tribunals. It has long been the view of the CABs that their clients would benefit from funded representation at tribunals, that in many cases achieving a positive resolution at tribunal stage saves further expense at a later stage and that tribunal representation should be treated in the funding code on a similar basis to legal representation.

Equalities work is set to become yet more complex. It is an expanding area, with new strands being incorporated—for example, age discrimination and transgender issues. Legislative provisions for age discrimination are due in 2006. Legislation passed in 2003 addressed religion and sexual orientation, and transgender discrimination regulations were introduced in 1999.

I am conscious that some may fear that Britain is developing a compensation culture, but that is outside the scope of my Bill, as it largely relates to injury claims, rather than discrimination claims. However, a closer examination of news reports finds that that assertion originated with the CBI in August 2001. The Better Regulation Task Force has exploded that myth, which is largely a matter of perception rather than substance. The cost associated with legal cases in this country as a proportion of gross domestic product is among the lowest in the world at 0.6 per cent.

As I said earlier, most complainants do not want their day in court but the means to exercise their statutory rights. Therefore, there are three main strands to my Bill. While providing long overdue support to victims of discrimination in employment, it will promote conciliation and arbitration. That will reduce, not increase, litigation. It will be not-for-profit, while ensuring the standard of services, and it will create parity for both parties.

As Lord Irvine said as far back as 1996:

"There is no greater unfairness than the legally unrepresented applicant against the legally represented employer in industrial tribunal cases".

He also said:

"Article 6 of the European Convention on Human Rights establishes the principle of 'equality of arms' in the context of criminal law, but arguably the principle extends to all proceedings involving the determination of civil rights and obligations. As a result of lobbying by human rights lawyers, Immigration Adjudicator and Immigration Appeal Tribunals have now been brought into the scope of Community Legal Service funding."

Writing in 1998, in the foreword to the white paper, "Modernising Justice", he also said:

"People need to have ways to uphold their rights and defend their interests in their dealings with others including employers, retailers, service providers and the state. It is not enough for people to have rights; they must be confident they can enforce those rights if need be. This was the purpose behind the Human Rights Act 1998, which enables citizens to enforce their fundamental rights through the British Courts."

Now is the time to ensure that victims of employment discrimination have the same equality of arms, so that they, too, have the necessary resources available to them to exercise and realise their human rights. We are talking about the most vulnerable people in the workplace: young people, ethnic minorities and people who have been discriminated against because of religion or gender. At election time or during the meetings that we attend, we can wear our hearts on our sleeves and say how much we oppose discrimination and how much we support equal opportunities and a multicultural society, but discrimination is still prevalent. Unless the vulnerable groups facing discrimination have access to justice, all our protestations about equality sound rather hollow. It is time to change that situation. Discrimination has no place in our society; it has no place in a civilised society.

10.38 am

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the hon. Member for Bradford, West (Mr. Singh) on his success in the ballot and on presenting a Bill that highlights an important issue: public funding for employment discrimination cases. However, although he has raised a important issue, I do not believe that his Bill is the correct way to rectify the present situation. The Bill would create yet another quango: the tribunal representation and assistance board. We have far too many quangos already, and we should be getting rid of some of them, not creating yet another one. He raised the important issue of legal aid not being available for representation in employment tribunal cases in England and Wales, although it is available under certain circumstances in Scotland, but there is no need to create yet another quango to address the matter.

Huw Irranca-Davies: I fully support what the hon. Gentleman says about quangos in general, so will he support the moves by the Welsh Assembly Government

[Huw Irranca-Davies]

to try to get rid of some of the superfluity of quangos? At the moment, those moves are being opposed by his colleagues in the Welsh Assembly Government.

Madam Deputy Speaker (Sylvia Heal): Order. I am afraid that that is not a point that can be answered in this debate.

Mr. Reid: I believe in devolution. It is for Wales to sort out the matter for itself; I do not propose to interfere.

The functions that the Bill proposes to give to the new board could just as well be carried out by existing quangos—by the Legal Services Commission or the Scottish Legal Aid Board. In most cases, legal aid is not appropriate for employment tribunals. There is, however, one exception, which I will come to later. Employment tribunal hearings were not intended to be as formal as a court of law. They were designed so that the parties could represent themselves or be represented by lay representatives. Indeed, two of the three members of the tribunal are usually lay members.

Appeals on a point of law can be made to employment appeal tribunals where parties are entitled to apply for legal aid, and parties may also be entitled to legal aid to help prepare them for employment tribunals. As employment tribunals are meant to be accessible to people who are representing themselves, I support the general principle that public funding should not be available for legal aid in most cases.

There is, however, one exception. That is on those rare occasions when the tribunal hearing will involve complex legal issues so that detailed and effective presentation are required for a case to have any hope of success. In such complex cases, the lack of legal representation could well amount to non-compliance with article 6.1 of the European convention on human rights, which is the right to a fair trial.

Mr. Kevan Jones: Does the hon. Gentleman agree that the vast majority of tribunal cases are covered by just two or three pieces of case law? The cases to which he refers are few in number, if not unique.

Mr. Reid: I certainly agree that the complex cases to which I am referring are very rare, but they will undoubtedly occur from time to time.

Mark Tami: Is that not the point? We should be concentrating on the very complex cases and not opening everything up. We should try to ensure that people do not get to that point and, through the work of trade union representatives and discussions with employers, we should try to resolve the issues before they reach the tribunal stage. That should not be the first port of call.

Mr. Reid: I entirely agree; that should be the approach. However, a very small number of complex cases will arise, and that was recognised in Scotland, as the hon. Gentleman said in an earlier intervention.

In Scotland, legal aid is available only for a very small number of complex cases. The Scottish Executive introduced the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003. They give the Scottish Legal Aid Board powers to award legal aid for proceedings before an employment tribunal in cases where the board is satisfied that, first, the case is arguable; that, secondly, it is reasonable in the particular circumstances of the case that assistance by way of representation be made available; and, thirdly, that the case is too complex to allow the applicant to present it to a minimum standard of effectiveness in person. In reaching its decision, the board has also to take into account the fact that the applicant may be unable to understand the proceedings or to state his own case because of age, inadequate knowledge of English, mental illness or other mental or physical disability.

Huw Irranca-Davies: Does the hon. Gentleman accept my contention that although in this important debate a very powerful case has been made on the extent of discrimination that remains in the work force, we still have not got to the nub of the issue? How many are disfranchised from being able to bring such cases? He talks about exceptional cases, but I am still not convinced. Given the mass of discrimination that there may be, how many cases are being stopped? What is his perception of the scale of the problem?

Mr. Reid: My perception is that the legal situation becomes complex only in a small number of cases. That was recognised in Scotland.

Whereas employment tribunals are a reserved matter under the Scotland Act 1998, legal aid rules have been devolved to the Scottish Parliament. One of the advantages of devolution is that the various Administrations can learn from each other. This is an example of where the Government here could learn from the Scottish Executive and adopt similar rules to those introduced by the Scottish Executive to make legal aid available for a small number of complex cases.

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): May I suggest to the hon. Gentleman that we already go further than the Scottish Executive? With the exceptional funding arrangements that we have here, cases that have a significant wider public interest could also receive legal aid. That is not the case in Scotland.

Mr. Reid: I thank the Minister for her intervention.

To conclude, I shall not be supporting the Bill today. I do not believe that this new quango is necessary. The hon. Member for Bradford, West has raised an important issue, but I do not believe that the Bill and a new quango are the right way forward.

10.46 am

Gordon Banks (Ochil and South Perthshire) (Lab): The arguments for the establishment of the tribunal representation and assistance board, as proposed in the Bill, appear in many cases and on an initial consideration to have some merit in ensuring that applicants in discrimination cases brought before the employment tribunals and appeal tribunals have access to legal advice and representation. Some of the arguments that we have heard and that we will hear in the debate are valuable.

The Bill would provide for legal advice and representation whereas the Legal Services Commission generally only provides for advice and not representation. Indeed, the LSC provides its assistance only after testing for eligibility, and representation can be made only in exceptional circumstances. Such circumstances applied to only six cases between 2000 and today. The fact that legal aid is, as we have heard, available only for employment tribunal appeals and not at the tribunal appears to draw one towards the arguments for the Bill. Experienced representatives could arguably make it easier to present the applicant's case and the Bill's point about the ability to charge for representation is, if taken at face value, a useful proposition. It argues that it could create a revenue stream.

Labour Members also support the argument that this Government have introduced more rights since 1997, and we are very proud of that. We applaud the House for taking that opportunity. As a consequence of that, there must be a necessary growth in the number of tribunals.

I have outlined the face-value merits of the Bill, but we must also consider the arguments against it in evaluating the proposals. As we have heard, many cases do not require legal representation and, in those instances, the advice offered will duplicate the services already provided by the Legal Services Commission. It is that body's responsibility to ensure that not just legal advice but "quality assured legal advice" is delivered. We must also be aware of the fact that the equality commissions can fund legal representation, but I reiterate that, in most cases, legal help and advice is sufficient. Legal representation is not a necessary service. We must also consider the fact that such duplication would create an extra layer of bureaucracy and lead to additional expenditure.

It is argued that the proposed tribunal representation and assistance board could be a revenue earner, but what evidence do we have that clients who were liable for costs incurred would use the service instead of alternative legal specialists? What would be the attraction of receiving a bill from the board instead of one from somewhere else?

Mr. Philip Hollobone (Kettering) (Con): Does the hon. Gentleman agree that the fact that people must at the moment go through many hoops to get to an employment tribunal tends to suggest that such people feel strongly that they have a good case? However, only 29 per cent. of discrimination cases that reach a tribunal succeed, only 28 per cent. of such sex discrimination cases succeed, and only 15 per cent. of such race discrimination cases succeed. How does he respond to the argument that by setting up this new quango we would be encouraging a plethora of new tribunal cases that might be much weaker than those that are brought forward at the moment?

Gordon Banks: I am not arguing for that.

Mark Tami: The hon. Member for Kettering (Mr. Hollobone) says that there are loads of hoops to go through, but there is nothing to stop anyone from going to a tribunal with any sort of case under any circumstances, although that does not necessarily mean that they will get anywhere with such cases. In my previous job, I was involved in a lot of tribunals in which the case reached the first stage before being thrown out, but there was nothing to stop someone from taking a case to that stage.

Gordon Banks: No eligibility criteria are set out in the Bill, which would mean that claimants who could clearly fund their own cases would often be supported, which would not be a good use of public funds. On examination, I am not convinced by the promises of additional revenue delivery that are made of the Bill.

There are already well-established bodies and mechanisms that offer people valuable and indispensable advice, such as trade unions and citizens advice bureaux. Indeed, friends and colleagues can give people advice. Additionally, as a plank of their delivery in this area, the Government have attempted to ensure that more disputes are resolved before they need to reach a tribunal. However, the Bill might increase the number of legal representations made and reduce the number of outcomes reached through negotiation.

The Bill would give the proposed new board the power to set its budget and force the Lord Chancellor to meet that. It could be argued that unmeritorious claims would be funded as well as justifiable ones, so we must ask whether that would be a good use of the public purse.

I support both our aim of improving advice and assistance given at an early stage to reduce the number of cases that progress to the courts, and alternative ways to settle disputes in the workplace. The English and Welsh civil and social justice survey showed an increase in the proportion of cases that were resolved in such a way at a time when the actual number of cases for which advice was received was falling. We certainly seem to be getting the advice and support argument right and more focused.

The Government are launching a new tribunals service in 2006 and employment tribunals and the Employment Appeal Tribunal will come under the agency at that time. That will increase our opportunity of having an even-handed and responsive service that delivers to people reliability, consistency and dependability, yet is also properly resourced, accountable and transparent.

A problem with the Bill is the fact that it limits itself to cases of discrimination. Are not cases of unfair dismissal, unauthorised deduction, breach of contract and redundancy pay equally meritorious, given that they and other associated non-discriminatory cases accounted for nearly 82 per cent. of all employment tribunal claims in 2004–05?

We need to go further on enforcing settlements made at tribunals by removing the legal onus on complainants to pursue their awards, if they are not forthcoming in the agreed time, and by introducing a system that empowers the tribunal service or another body to instigate action automatically on behalf of a complainant at the appropriate time. However, I realise that that debate is not for today—hopefully, it is for another time in the Chamber.

Given that I represent a Scottish constituency, I should comment about the comparison that has been drawn today with the situation in Scotland. Although

[Gordon Banks]

the Scottish Parliament has increased funding and legal aid, which addresses some of the problems raised today, there are few similarities between the functionality of the system and the Bill's proposals. I reiterate a point that I attempted to make during an intervention. Although my hon. Friend the Member for Bradford, West (Mr. Singh) is arguing the need for justice, he is failing to argue appropriately for efficient and transparent spending from the public purse. Indeed, I believe that he showed in some depth today the success, rather than failure, of the present system and methods. I remain to be convinced that the Bill's proposals would deliver value for money and the transparency that is demanded today, or help those most in need in the most appropriate manner.

10.57 am

Philip Davies (Shipley) (Con): I am somewhat loth to make a speech opposing the Bill because Labour Members seem to be doing a perfectly good job of that without my having to intervene on their private grief.

The hon. Member for Bradford, West (Mr. Singh) is my neighbouring MP. He is a good man and people in Bradford respect him enormously, but his Bill is completely misguided, both in principle and practice. He believes that current arrangements breach the Human Rights Act 1998, but some Conservative Members do not care too much about that because we were not big fans of the Act in the first place.

The Bill would be likely only to add to this country's compensation culture. People are sick and tired of frivolous claims being taken to court just to line the pockets of lawyers. The hon. Gentleman said that the Bill would result in the exact opposite of a feeding frenzy for employment lawyers, but I do not understand how it could lead to anything but that.

Mr. Kevan Jones: Will the hon. Gentleman give some evidence that a compensation culture exists in this country? The number of industrial tribunals is reducing, yet the number of personal injury cases is going up. Does he think that someone who is attacked and suffers, for example, a cracked rib should be able to bring a case against their assailant?

Philip Davies: I certainly agree with the hon. Gentleman, but that person should take the case to a court of law. People should not only be able to do that, but be pressed to do it so that the truth can come out—

Madam Deputy Speaker: Order. The Bill is actually about employment tribunals and representation.

Philip Davies: Thank you for keeping me on track, Madam Deputy Speaker.

Despite what the hon. Gentleman said, we do have a compensation culture in this country: time after time, people take the most frivolous claims to tribunals and courts. I am afraid that the Bill will only add to the number of frivolous claims being taken to tribunals.

Mr. Jones: I am sorry, but the hon. Gentleman does not understand employment tribunals. A frivolous or vexatious case will not get to the tribunal, because the chairman will strike it out before it gets through the door.

Philip Davies: As my hon. Friends have explained, many tribunal cases are shown to be quite frivolous, and are turned down. A minority of cases are accepted, so I do not accept the idea that no frivolous claims go to tribunals.

Mr. Jones: I am sorry, but that is the case. Is the hon. Gentleman questioning the ability of tribunal chairmen and panels? In my experience, frivolous and vexatious cases are struck out. Moreover, under the Employment Act 2002 there is an onus on both employers and applicants to ensure that they have gone down all the avenues to try to resolve disputes before they get to a tribunal, and that has reduced the number of tribunals over the past two years.

Philip Davies: I do not accept that no frivolous cases go to employment tribunals. The hon. Gentleman clearly has much more faith in such things than I do.

Mr. Jones: More knowledge and experience.

Philip Davies: All that this Bill would do is to lead to even more frivolous claims. People would be able to take a claim to a tribunal knowing that it would cost them nothing, and that they had nothing to lose. It does not matter what they say, because someone else—taxpayers, such as me and the people in my constituency—picks up the tab for the most ridiculous, frivolous and stupid complaints. Why should decent, honest, law-abiding, tax-paying people in this country pick up the tab for people who make frivolous claims?

Mark Tami: The hon. Gentleman may not be able to give the number, but can he at least give us a few examples? He is obviously sure of his ground, because he is saying that he knows of loads of cases from his area, so can he name just one?

Philip Davies: My hon. Friends have made the point perfectly well about the number of cases that end up with a successful prosecution of the company concerned. Very few do, so the facts are perfectly clear: most of these cases are not grounded in any basis of fact, and there is no case to answer. The Bill will simply lead to even more of these frivolous cases going to tribunals, because people will know that they will not have to pay any money themselves, and the good old taxpayer will have to dig his hand into his pocket one more time to pay for another politically correct pet project from new Labour.

Gordon Banks: I fear that I must intervene, because the hon. Gentleman's words call into question the whole structure of our present system, and the ability of employment tribunal chairmen to make relevant, precise value judgments on cases. What we are hearing

from Conservative Members today is quite shocking, and questions the structure of our whole employment tribunal system—

Mark Tami: And our legal system.

Gordon Banks: I stand corrected; they are questioning our legal system too. The employment tribunal system is extremely valuable, and what Conservatives have said is stunning. I would like the hon. Gentleman to withdraw and consider his remarks, which do his argument no good at all.

Philip Davies: The Bill is about whether we give people free legal representation at employment tribunals no matter how good or bad their case, and whether that would be a good thing or a bad thing. It would lead to more frivolous claims being taken, or attempted to be taken, to employment tribunals by people who have no good reason or case, because they know that the taxpayer will pick up the tab and they will not have to.

Mr. Kevan Jones: I might go and get a hammer and chisel in a minute, to see whether I can get my point across to the hon. Gentleman. If someone applies to take what he describes as a frivolous case to an industrial tribunal, it will not even get there, because it will be struck out beforehand. I have grave reservations about the Bill, but the idea that it would lead to open-ended access for frivolous and vexatious cases is wrong. Clearly, the hon. Gentleman does not understand how the tribunal system works.

Philip Davies: The hon. Gentleman would be very naive to think that the Bill would not lead to people trying their luck if they thought that they had a case, even if there was no good case to answer.

This is not just a question of what happens at the tribunal, but of what happens before the case gets there, and before it is thrown out. What happens to a business when someone puts in a discrimination claim? Does the business not have to spend time looking into the case?

Ms Diana R. Johnson: Has the hon. Gentleman had the opportunity to consider the range of measures that have been introduced to try to tease out the details before a case gets to a tribunal—further and better particulars, questions and requests for further details, the exchange of witness statements seven days before the hearing and so on—so that employers can decide whether they wish to settle the case? My experience is that if someone has a strong case, an employer who is properly advised—by lawyers, usually—will offer a settlement that an employee will want to consider seriously.

Philip Davies: The hon. Lady does not feel that the Bill will cause more time to be spent in tribunals—but what it will do, which she seems to find acceptable, is waste as much time as possible for businesses in going backwards and forwards to see whether the person has a case to answer.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Does my hon. Friend agree that well over half the cases are either withdrawn or dismissed? Against that background, is not his concern the possibility of an increased surge in cases, putting even further burdens on business?

Philip Davies: That is the very point that I was trying to make, and I thank my hon. Friend for clarifying the matter. Labour Members clearly do not understand, perhaps because most of them have no experience of running a business, and have no idea of the time and effort that businesses have to waste dealing with ridiculous cases.

Mr. Kevan Jones: The Advisory, Conciliation and Arbitration Service figures for 2003–04 show that about 72 per cent. of cases are either settled or withdrawn beforehand, and only 24 per cent. go to a tribunal. May I press the hon. Gentleman on one point? Does he suggest that his constituents in Shipley should not have access to an industrial tribunal? Is he against those tribunals? I am sure that his constituents who value and use them will be interested to hear that.

Philip Davies: What I am against is people taking frivolous cases to tribunals, and making frivolous complaints against businesses, so that they have to spend time, effort and money investigating cases and corresponding about them when all they want to do is get on with running the business, looking after their customers and looking after their other employees, to ensure that they still have jobs.

Mark Tami: What sort of case would meet the hon. Gentleman's criteria? He obviously does not accept the current criteria, and wants to go further, so what cases would he allow to be taken to a tribunal?

Philip Davies: What I would not allow to be taken are the cases to which the hon. Gentleman has referred—the ones that get thrown out very quickly. [HON. MEMBERS: "Give some examples!"] There are dozens of examples.

Mark Tami: Give one example.

Philip Davies: Does the hon. Gentleman not accept that some cases are thrown out, that some businesses have to investigate—

Mark Tami: Give an example.

Philip Davies: Does the hon. Gentleman say that—

Mr. Owen Paterson (North Shropshire) (Con): I wholly admire my hon. Friend for sticking to his guns against Labour Members' comments. After all, this is a debate—but perhaps it would help him to look at the annual report and accounts of the Employment Tribunals Service for 1999–2000 to 2004–05, which show that, in total contradiction of what the hon. Member for North Durham (Mr. Jones) says, there are already many weak claims for sex, race and disability discrimination. The success rates are only 28 per cent., 15 per cent. and 29 per cent. That makes my hon. Friend's case.

[Philip Davies]

Philip Davies: I thank my hon. Friend for that. Labour Members do not want to face the facts of what goes on under their Government and want to impose even more costs on businesses, despite their claims for better regulation and deregulation. They think it is funny that many small businesses have to face unnecessary, complicated cases that are a waste of time and a burden. The politically correct people in their party find that amusing.

Gordon Banks *rose—*

Philip Davies: Perhaps the hon. Gentleman finds it funny.

Gordon Banks: No, I do not. I have run a successful small business in Scotland since 1986. The hon. Gentleman preaches about the legislation introduced by this Government since 1997. As a small business man, the rights and values for which the Government stand, and which they have incorporated into legislation, are a useful tool in my workplace to protect my employees. I do not find them a drawback. It is a shame that he does.

Philip Davies: I assure the hon. Gentleman that many businesses in my constituency are appalled by the red tape and regulation that they face. The Bill would only increase costs and the time that they waste in dealing with unnecessary things when they just want to get on with looking after their customers, keeping people in employment and doing something worth while.

Stephen Pound (Ealing, North) (Lab): The hon. Gentleman is demonstrably out of his depth. I offer him some assistance. Although he has drunk deep of the well of cliché, will he withdraw the statement that he made twice about discrimination cases being simply to do with political correctness? He must realise what a serious and damaging statement that is and how it is the total opposite of the official policy of the Conservative party. Will he admit that there are such things as entirely legitimate cases of discrimination that should be supported, or is every one of them an example of what he refers to wittily as political correctness?

Philip Davies: The hon. Gentleman has not been here for much of the debate and has not heard what has been said. I am not opposed to all claims. What I oppose are frivolous claims. The Bill can only—I am sure Labour Members would have to admit this—increase the number of people who decide to have a pot-luck claim for compensation when they have no real basis for that. Every right-minded person would acknowledge that it could only have that one effect and would do nothing to further genuine claims of discrimination, which, as Labour Members have made clear, is covered by other legislation. There are plenty of avenues for people to go down if they want to pursue a claim. The Bill will be successful only if it leads to more people pursuing more frivolous claims. That is its only purpose.

Mr. Kevan Jones: The old adage is, "When you're in a hole, stop digging." My hon. Friend the Member for Bradford, West (Mr. Singh) cited the case of someone who was dismissed because she was pregnant. Does the hon. Gentleman agree that such a case needs to go to an industrial tribunal and should be supported by a decent and fair-minded society? Will he give an example of what he considers a frivolous case?

Philip Davies: There is plenty of opportunity for people who have experienced serious discrimination to take their case to a tribunal, whether it be through a legal company or a trade union. If they have a serious claim, there is no barrier to their taking it to an industrial tribunal, but the only purpose of the Bill is to encourage people who have no good basis for a claim to make a case. Other people would be more than happy to take up their case if it was a good one. The Bill would encourage them to have a go.

Mr. Forth: Does my hon. Friend agree that it is perhaps the compensation culture that is the problem? What we have are a Government who, by legislation and the establishment of quangos, are encouraging something that seriously undermines our society in a number of different ways. By encouraging people to think that blame can be attached to every circumstance and that compensation is available in every circumstance, they cause many of the difficulties that the Bill would exacerbate.

Philip Davies: My right hon. Friend is right and emphasises the point that I have made from the outset.

Labour Members want me to give examples of frivolous claims. A prime example is of people from, for example, an ethnic minority who do not get a job because their qualifications do not match the job for which they applied. They then take a claim against a business saying that they were discriminated against because of their race, religion or whatever. The reason they were turned down was likely to be because they were not qualified for the job, yet they still make a claim. The Bill would allow them, without incurring costs, to make a claim for racial discrimination and hope that it wins, when there is no case to answer.

I am well aware of businesses that have turned down people with disabilities. They were not rejected because of their disability—the businesses that I have in mind have a good track record in recruiting people with disabilities. However, those people said, "Well, I'm going to take a claim to a tribunal." The Bill would allow them to have free legal representation even though their disability had nothing to do with why they did not get the job.

Huw Irranca-Davies: Where the hon. Gentleman has evidence of what he describes as frivolous cases, I urge him to put it to the Government so that they can be properly investigated. It is easy to speak in generalities. I also urge him to consider that when he is up against the ropes to put his head down in defence and to stop throwing punches.

Philip Davies: I thank the hon. Gentleman for that friendly advice. I assure him that, from my past employment, I know of cases—*[Interruption.]* If Labour Members do not want to listen to the examples that they have asked for—

Gordon Banks: What examples?

Philip Davies: I have just given them.—*[Interruption.]*

Madam Deputy Speaker: Order. Mr. Davies will now continue.

Philip Davies: The company for which I worked had an excellent track record, as acknowledged by the Labour party, of helping people with disabilities into employment and of helping its customers, yet it still faced complaints from people who said that they were not given a job because of their disability, when nothing could have been further from the truth. That company was a large multinational and, in many respects, could deal with those complaints. My concern is for the many thousands of small businesses that have neither the personnel nor the time to deal with people who try their luck, hoping that they will get a few quid out of someone. Those cases are not acceptable. The Bill would only encourage such people to take their cases as far as they could possibly go.

Mr. Kevan Jones: I understand that the hon. Gentleman used to work for Asda, which is owned by Walmart. Does not Walmart—a very anti-trade union firm—face a huge number of sex discrimination cases, and even race discrimination cases, throughout the United States? He says that his former employer is a shining example of good practice, but the evidence does not support his case.

Philip Davies: The hon. Gentleman clearly has no idea what he is talking about. Asda was my former employer. Can he give an example of it discriminating against anybody with a disability, or on the grounds of race or sex? Asda still faces complaints, despite its excellent track record. Does he accept that companies with excellent track records still face frivolous complaints?

Mark Tami: I used to negotiate with Asda and with the former Member, Mr. Archie Norman, who represented Tunbridge Wells. Asda has a clear policy of discouraging people from joining trade unions. It has a way of trying to bypass independent legal advice that people can get.

Philip Davies: The hon. Gentleman is wrong to say that Asda does not encourage people to take independent advice. It has an excellent track record, yet it still faces frivolous complaints.

My main concern is for small companies, not for Asda.—*[Interruption.]* Perhaps Labour Members should calm down.

Many small companies in the Bradford, West constituency will have to face cases involving discrimination. They do not have the staff to deal with them. I am disappointed that Labour Members seem not to care about small businesses that face the challenges and waste of time that we are discussing.

Mark Tami: *rose—*

Philip Davies: Perhaps the hon. Gentleman will just settle down.

Small companies will have to deal with frivolous cases. The cases might not get to an employment tribunal, but do not tell me that time will not be taken up dealing with them and that there will be no slur on those companies. Decent companies should not have to face more frivolous claims.

Mark Tami: I do not follow the logic of the hon. Gentleman's argument. Is he saying that all small businesses should be outside employment law? That is what he seems to be saying.

Philip Davies: The hon. Gentleman will know that that is not what I said. I said that the Bill will lead to many small businesses facing many more frivolous complaints by people who think that they may as well have a go because they have nothing to lose. They will take the view that, if they lose, the taxpayer will pick up the tab, that that will be all right and no one else will worry. As I have said, many small companies will not be able to afford to deal with such matters. Small businesses should not have to waste their time dealing with frivolous cases when they have far better things to do.

Mr. Nigel Evans (Ribble Valley) (Con): I declare an interest. I am a small business man who employs about 10 people. It is the smaller businesses—one-man or two-men businesses that employ one or two people—that face problems. There is the time factor and the costs that such companies will incur, when they should be concentrating on running their businesses. Does my hon. Friend agree that emphasis must be placed on assisting smaller businesses? That does not mean that they will be outside the law. That would be ridiculous. However, there must be some understanding of how we can assist smaller businesses.

Philip Davies: My hon. Friend is right. He makes extremely well the case that I have been making.

Many small businesses cannot afford to have the Bill enacted and placed on the statute book.

Mr. Singh: Is the hon. Gentleman saying to his constituents that if someone faces discrimination or feels that he does, "Don't come knocking on my door. Don't go to your local Member of Parliament. I do not believe that discrimination exists." If that is his position, I would be grateful if he issued a press release.

Philip Davies: The hon. Gentleman knows that I have not said that. I have said that if you have a case that has no good grounding—for example, someone feels aggrieved because they do not have a job or because

[Philip Davies]

something has happened that does not relate to their race, sex or a disability, for example—do not think that you can take taxpayers' money to pursue a frivolous case.

Mr. Singh: I think that the House has heard your message to those who are presumably bringing vexatious and frivolous cases. What message do you have for those people who suffer genuine discrimination? Have you any message of support for them?

Philip Davies: I would say, "Take your case to a tribunal. Take it through your trade union or law club, of which they might be a member."

Madam Deputy Speaker: Order. I remind hon. Members that they should use correct parliamentary language and talk in the third person.

Philip Davies: I apologise, Madam Deputy Speaker.

I do not want to turn away people who have legitimate claims of discrimination. There are plenty of avenues for those people to pursue their case. I am concerned about people who pursue cases with no real reason for doing so. The Bill will give such people a free hand to take the case as far as they can, knowing that that will be at the taxpayers' expense and that they will have nothing to lose by making a frivolous case.

Huw Irranca-Davies: I say to the hon. Gentleman, following the intervention of the hon. Member for Ribble Valley (Mr. Evans), that I have never been a small business owner, but I have been a fully liable director of a voluntary sector trust that employed many people and I have been through employment tribunals. What stood us in good stead was that we had good grievance and disciplinary procedures, along with good training. Any small organisation, be it a private sector employer or a voluntary body, should have nothing to fear from the Bill. I am sure that the hon. Member for Ribble Valley has good procedures in place for his business. Such employers need have no fear of frivolous or flippant claims if they have done the right thing by their work force.

Philip Davies: I disagree. The Bill gives them something to fear. The claim may not ultimately be successful. The point that I have been trying to make is that frivolous complaints will still have to be investigated. Time will still have to be taken. People who own a small shop do not have time to wade through a great deal of legal paperwork.

Huw Irranca-Davies: What about the time, the cost and the heartache for the individual who may be suffering discrimination? The Government are trying to develop a culture that encourages people who feel that they are victims of discrimination to come forward and have the matter dealt with at the appropriate level. That may not mean a tribunal. It could mean arbitration or mediation. The thrust of the hon. Gentleman's message is that we should turn that culture on its head and say, "Don't bring the case unless you are genuinely convinced that you will win."

Philip Davies: I say, "Don't bring your case unless you have a good case to be answered."

The Bill will undoubtedly lead to many people making claims that have no good grounding and no real chance of success. The company may not face prosecution or a fine, but the hon. Gentleman must accept that any complaint leads to increased costs and increased time pressures on a company. The Bill encourages—

Mark Tami: Will the hon. Gentleman give way?

Philip Davies: I shall not give way because we have covered this ground several times. The point is that small businesses will face more costs and more time will be taken up by frivolous claims. I do not accept the principle of the Bill because it will make a bad situation worse.

The Bill will open up the possibility of endless costs to the taxpayer. As my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) highlighted in trying to probe the hon. Member for Bradford, West, there is no limit to the cost that could be incurred by the taxpayer and the Lord Chancellor's Department. However many cases are brought, however good or however bad, they will have to be funded by the Lord Chancellor's Department.The hon. Gentleman could give no indication of the likely cost to the taxpayer. He could not even say whether we are talking about millions, tens of millions, billions or tens of billions of pounds.

Mr. Kevan Jones: The hon. Gentleman has just told the House that he does not agree with the principle of the Bill. When I started out this morning I had serious reservations about it, but his speech is making me and, I think, some of my colleagues, likely to vote for it. My hon. Friend the Member for Bradford, West said that the principle of the Bill concerns discrimination. Is the hon. Gentleman saying that he thinks that discrimination is acceptable in our society or even that he would welcome that if it were true?

Philip Davies: The principle of the Bill that I object to is the fact that anybody, however good or bad their case, will get taxpayers' money to pursue it as far as they can. I do not accept that that is a good principle.

Mr. Forth: I remind my hon. Friend, although I am sure there is no need, that the Bill is about

"representation of and assistance to complainants".

That is the whole point of the Bill, and I can well see the point with which my hon. Friend has difficulty, as indeed do I, as I hope to explain later, Madam Deputy Speaker. I do not want my hon. Friend to move away too quickly from the subject of costs. He must have noticed in the Bill, as I have—this has already been raised in the debate—something that I have never before in my life seen in a Bill. It says, in clause 3, that

"the Board shall prepare and send to the Lord Chancellor an estimate of its funding needs".

It goes on, incredibly, to say:

"It shall be the duty of the Lord Chancellor to secure that there is paid to the Board out of money provided by Parliament . . . an amount that is equal to or greater than the total funding needs of the Board".

Does not that suggest, and is it not unprecedented in this place, that here we have a quango that is, by statute, allowed to ask for any amount of money, which the taxpayer, through the Lord Chancellor, is then obliged to provide?

Philip Davies: My right hon. Friend is absolutely right: the cost of the Bill is unlimited. The whole principle that the hon. Member for Bradford, West is expounding is that anybody can pursue a claim, however trivial, as far as they can. Obviously, the result will be an unlimited cost. I find the idea of an unlimited cost to the taxpayer completely bizarre, unacceptable and unworkable, and that is why the principle of the Bill cannot be right.

Stephen Pound: The right hon. Member for Bromley and Chislehurst (Mr. Forth) has in five seconds made a far more comprehensive critique of the Bill than we have heard in half an hour from the hon. Gentleman. May I bring him back to the core point? I realise that he once achieved great things as customer services manager for Asda. I am not sure how he served the customers, but his comments have caused me to have doubts. Will he, once and for all, without equivocation, state for the House whether his thesis is that all complainants to tribunals are frivolous and vexatious and that the burden on small business is such that the entire system, which has served us so well under Governments of both complexions, should be swept away? Yes or no?

Philip Davies: I suggest to the hon. Gentleman that when in future he asks questions, he listens to the answer. He has now asked the same question twice, and he will get the same answer twice.—*[Interruption.]* The question that the hon. Gentleman asked earlier was exactly the same as the one he has just asked, and my answer is that I have nothing against people who make a genuine claim of discrimination; my concern about the Bill is that it will lead to more people making frivolous claims because they will be able do so at no cost to themselves. They will know that the taxpayer will pick up the tab, however much it is, because the Bill, as my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) said, requires the taxpayer to pay out however much is demanded.

Mr. Paterson: It is clear that the employment tribunal service annual report and accounts 1999–2000 to 2004–05 were not on the holiday reading list of the hon. Members for Ealing, North (Stephen Pound) and for North Durham (Mr. Jones). The facts help my hon. Friend's case. The total number of discrimination claims has increased from 8,272 in 1999–2000 to 27,907 in 2004–05, and they have increased from 9.9 to 19 per cent. of the total number of claims.

Philip Davies: My hon. Friend is absolutely right, and I am very sad that Labour Members do not accept that there is a problem and that the Bill could only make it worse. I am sorry that they do not see the costs that will be incurred and the damage done to small businesses, which are major wealth creators in our economy, not just in Shipley but in their constituencies.

Mark Tami: Will the hon. Gentleman answer a simple question? Is he against the whole principle of legal aid? That seems to be the case that he is making.

Philip Davies: As I have stated time and again, I am against people having access to taxpayers' money to pursue totally frivolous and unrealistic claims as far as they can.

Madam Deputy Speaker: Order. We have heard the argument about frivolous cases, and we are now in the realms of repetition. Perhaps the hon. Gentleman could move on.

Philip Davies: Thank you, Madam Deputy Speaker. I can only say in mitigation that if Labour Members keep asking the same question, I can only keep giving them the same answer, so I hope that you will forgive me.

The cost of the Bill is completely unacceptable. As my hon. Friend the Member for Cotswold revealed by his question, no provision has been made for the possible cost. It will be a waste of money for businesses; it will be a waste of money for taxpayers. This is not about employment tribunals; it is more about employment creation for politically correct people, so that they can sit in judgment and feather their own nests, taking in taxpayers' money to do something that is completely unnecessary. I urge hon. Members to stop this Bill making any further progress. It will make the compensation culture of this country even worse than it is today and add even more to the costs faced by small businesses, which are already being dragged down by the burden of regulation imposed by this new Labour Government.

11.37 am

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I have listened with great interest to the hon. Member for Shipley (Philip Davies) and his argument about frivolous and vexatious claims. I want to talk about my experience as a lawyer, and I say that with some trepidation because of the comments that have been made about lawyers.

I spent my legal career in community law centres, where we acted for the most disadvantaged members of our community. Where we could, we would help them under the legal aid scheme, but we would also represent people at tribunals. As a lawyer, I took very seriously my responsibility to advise my clients whether their claim had any chance of success. I would make it clear to them if I thought that their claim had no chance of success, because I certainly did not want to get in front of a tribunal and find myself in trouble with the chair, possibly with cost orders made against me and the law centre.

I want to give an example of a case that demonstrates the importance of representation being available in employment tribunals. I had a client with a history of mental health problems. She had managed, with a loving and supportive family, to maintain a job as

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a cleaner for many years, but she had an episode of her mental health problem reoccurring and ended up having to go into a psychiatric hospital. Her employer wrote to her at the hospital, wishing her all the best in getting better but saying that she was dismissed forthwith. Her husband came to see me to say that that did not seem quite fair. The family did not have English as their first language, but they had a feeling that things were not quite as they should be.

As a lawyer in a law centre, I was lucky to be in a position to take that case forward. The employer denied any form of discrimination, although in the end we issued disability discrimination proceedings, and claimed unfair dismissal, wrongful dismissal and unpaid wages. It was a powerful claim. The employer would not have settled that claim if he did not know that a lawyer was willing to go all the way to a tribunal and represent that person.

Mr. Forth: I am sure that the House is grateful to the hon. Lady for sharing that direct experience with us, but is she making a case for the Bill, or is she reinforcing the argument that many Conservative Members have advanced, that most of the mechanisms in place already are pretty adequate and we should be careful not to try add to their number unnecessarily? That seems to be the thrust of what she has just said.

Ms Johnson: There are cases where it is vital that people have access to legal representation, or representation through a trade union. This Government have been sensible in bringing forward alternative dispute resolution as a powerful means of trying to settle claims between employers and employees, but some cases will go to tribunal and it is vital that those most disadvantaged in our society—they are the people whom we are talking about—have the opportunity to have legal representation.

Mr. Kevan Jones: It is nice to hear from an individual who understands the subject more than the previous hon. Member to make a speech did. Is it correct that, if the case that she described had been a frivolous case, it would not even have got through the tribunal's doors?

Ms Johnson: That is right. My hon. Friend has already talked about the measures and proceedings that are in place. A case can be brought before the tribunal in a preliminary hearing. The tribunal chair has the opportunity to ask for a deposit from a claimant. There are measures in place to deal with frivolous and vexatious cases. CABs, law centres and trade union representatives will be clear with people taking claims to the tribunal that it is stressful and that they can get themselves into hot water if they reach the tribunal with a frivolous claim. There are lots of steps along the way to stop that happening.

Mr. Harper: The hon. Lady powerfully explains her approach to these matters in her previous profession, but the Employment Tribunals Service's annual report and accounts give the success rate for claims that reach the tribunal: in sex, race or disability discrimination cases, it is 28, 15 and 29 per cent. respectively. That implies that, when giving advice, not all her fellow practitioners are as robust in suggesting to claimants that they have a weak case. She is right. Those giving professional advice should advise clients when their claim is weak, but the evidence seems to be that many are not giving robust advice and too many weak claims are proceeding to tribunal; otherwise, the success rates would be higher.

Ms Johnson: Any person who has represented someone in a tribunal will know that a case may not always go as well as one thought it would in the tribunal. Witnesses may not always come up to proof, although they have perhaps in a witness statement beforehand. All sorts of issues happen, but my experience and that of employment lawyers whom I have dealt with has been that there is every attempt to try to settle cases without the stress and anxiety of the client having to go through a tribunal case and sit through what can be often quite vigorous cross-examination by an employer's representative. Most employers will have a barrister or solicitor present to represent them at the tribunal. That is where I support the principle of legal representation in tribunals: we have to be aware that at the moment there are cases that go to tribunal where people do not have the opportunity of legal representation.

We have talked a lot about trade unions and the important role they play. I am passionate about ensuring that as many people as possible understand why it is important to be a member of a trade union, to give them that protection if they get into difficulty in their employment.

Mr. Kevan Jones: From my experience in tribunals, many companies employ barristers for cases that do not need it. Does my hon. Friend agree that there is a danger in the argument that she has just advanced, in that one may have to ratchet a case up when, for example, a company brings a lawyer and then a barrister in? That would then have to be paid for by the taxpayer. Nine times out of 10 in the cases I have experienced, no barrister or solicitor is needed.

Ms Johnson: Some of the most effective representatives whom I have come across in employment tribunals are not lawyers but people who have a lot of experience working in citizens advice bureaux or law centres. Often they will have a more common-sense approach, too.

Again, I agree with the principle of representation in employment tribunals for some cases. I do not believe that we need the extent and range of representation that perhaps this Bill is putting forward. Agreeing in principle but looking at the practicalities of my own experience, I would say a better way forward was to charge the Legal Services Commission with looking again at how best legal advice and representation can be provided where it is needed in tribunals. There is a wider issue about community law centres and the valuable role they can play in educating local communities about the rights they have, taking forward claims of discrimination and other employment matters when necessary, and using all the alternative dispute resolution mechanisms. I found ACAS vital in the claims I took forward.

Mark Tami: I do not know whether my hon. Friend has had a chance to see the community legal service website, but it gives a lot of excellent information that is quite readable and helps people, particularly at the initial stages, when they may be worried about whether they have a case or not.

Ms Johnson: That is right. I am pleased that the Government have introduced a range of measures. We have the commitment to the community legal service. We have funding of some community law centres. We also have investment in citizens advice bureaux. All those measures are positive and we should support them, but there is a need in certain cases for legal representation.

I want to say something about the problems applicants have in employment tribunals if they have to represent themselves. When I started practising employment law, the procedures in the employment tribunal—it was then called the industrial tribunal—were far simpler. It was almost as if one could turn up on the day and present one's case. Now a range of procedures have to be adopted. We have to disclose evidence before a tribunal hearing, provide witness statements and further and better particulars when requested by the other side. Applicants find those things difficult to do. It is getting technical and legalistic. That is why it is vital to have input from a law centre or a trade union rep. They can deal with those things.

Mark Tami: I know from being involved in tribunals that, when the person turns up and sees that there is a barrister on the other side, that can be frightening. They link it to a court situation and feel vulnerable.

Ms Johnson: My hon. Friend is correct. Tribunal chairs are often very good about assisting applicants to put their case, but I have encountered chairs who are less helpful and supportive of applicants who are acting on their own, and if the other side has a barrister it can cause real problems in terms of justice being seen to be done.

Mr. Heald: I agree with the hon. Lady's basic argument that building on what we have is preferable to a new quango. She talks about barristers, companies being represented at tribunals and the over-formality of the process. Does she accept that, with only about 5 per cent. of discrimination cases succeeding in the tribunal, she is talking about a massive burden on British business? Anything that encourages a surge in claims will make that huge burden even worse.

Ms Johnson: I have tried to stress the range of alternatives that are now available to deal with employment problems and claims; we are not telling people simply to go to the tribunal. The alternatives include ACAS, which is an extremely important body: it plays a strong role in bringing claimants and employers together and securing some good settlements, without businesses having to spend time going to the tribunal.

Sensible employers recognise when things have not gone as they should in their business. If acts of discrimination or problems with other employees for whom they are responsible have occurred, good businesses will respond to a claim by saying, "Let's settle this. We don't want the bad publicity associated with going to the tribunal." However, there are also bad employers who will not acknowledge when they have got things wrong and discriminated against people. In my example of the cleaner, her employer refused for a long time to accept that it had done anything wrong.

Mark Tami: Does my hon. Friend agree that if an employer is the subject of a raft of tribunal cases, that is a sign that something is fundamentally wrong within the company, whether in its management or its grievance procedures? We must also deal with companies not having appropriate procedures in place, which can result in people feeling that they have to bypass what the rest of us would regard as the normal process and go straight to tribunal.

Ms Johnson: That is correct. Good employers have robust grievance and disciplinary procedures that enable cases to be dealt with within the company. That is the ideal, but things do not always go according to plan.

Mr. Flello: Does my hon. Friend accept that poor employers are bad for good businesses? Good businesses suffer because they are at a competitive disadvantage when a bad employer undercuts them or uses sharp practice.

Ms Johnson: I agree with my hon. Friend.

Another case that I dealt with involved a women who had been diagnosed with breast cancer and who was going through a TUPE employment transfer under the Transfer of Undertakings (Protection of Employment) Regulations 1981. Both her existing employer and the new one denied that she was their responsibility. Both were large, well known companies and I was taken aback by their response. We had reached the door of the tribunal when I heard through the wall a barrister shouting to both employers that one of them had to take responsibility, and that if the claim reached the tribunal both would get massive bad publicity. We should focus on the useful role that lawyers can play, but stress to employers—good ones—that it is much better for them to deal with claims sensibly and reasonably, lest they get themselves into difficulty in a tribunal.

There are other bodies of which we should be aware. The Free Representation Unit provides advice and representation to people who are not able to access legal representation through the legal aid scheme. The unit comprises young barristers and solicitors who are willing to give their free time to represent people, and they do a sterling job. In addition, barristers give their time for free through the Bar Pro Bono Unit. I commend both organisations, but I do not think that we as a society should rely on people giving up their time for free.

Mark Tami: My hon. Friend is making clear what is available, but does she accept that the vast majority of the public are unaware that such services are available to them?

Ms Johnson: That may well be true. My hon. Friend the Member for Ogmore (Huw Irranca-Davies) mentioned advice and assistance deserts. One of the good things that the Legal Services Commission has done is provide a framework for community legal services within local authority areas. Bodies that provide advice and assistance can come together and pool their resources to ensure that local communities are aware of what is available in terms of advice and representation.

Mr. Paterson: I am interested in the hon. Lady's comments. What are her thoughts on the merits of Citizens Advice, which has a national network of bureaux and provides a free service?

Ms Johnson: I commend the work that Citizens Advice does. The problem in my constituency, Hull, North, is that often at 8 o'clock in the morning the citizens advice bureau has a queue of people wanting to get in to obtain advice. There is still a great deal of unmet need. The CABs and law centres have an important role to play. I hope that in future debates I may be able to put the case for more funding being made available to them. At present, as other hon. Members said, funding may depend on the political complexion of the local authorities in the area.

In Hull we had a very good law centre that was funded not only by Hull city council, but by some of the surrounding local authorities. Hull city council recognised the important role that Humberside law centre played. The other local authorities around Hull, which were Tory-controlled, unfortunately decided not to continue to contribute to the work of the law centre, so they withdrew their funding. That resource for local people in east Yorkshire has disappeared. From looking back at cases, we know that Humberside law centre led the way in a number of disability discrimination cases, and in compensation cases involving trawlermen in Hull who had missed out on compensation that they were due when the fishing industry—

Huw Irranca-Davies: On that point, does my hon. Friend recognise that if—I am not making any assumptions—the Bill were not to proceed, we would need to consider how to ensure that the diverse providers of advice, legal assistance, mediation and arbitration continued to operate effectively? We have made great progress, but I am not yet convinced that the situation is completely coherent across the whole UK.

Ms Johnson: My hon. Friend is correct in that assessment. There is more work to do.

Mark Tami: Is there not a problem with some—not all—of the no win, no fee organisations that seem to get hold of people before they have received proper advice? Often they lead people up the garden path or get them to sign up to pay for an insurance policy to fund the case. People who have come to see me have been asked to pay £150 up front. They think the case is proceeding, but they are asked for another £250, and before they know it, a large sum of money has been expended, often to no good end.

Ms Johnson: That raises an important issue. Some time ago I practised immigration law. There were many rogue immigration advisers about. The Government have introduced accreditation for immigration advisers so we know who is giving advice and we can make sure that they are giving good advice. There is a case to be made for the accreditation of employment advisers as well.

In conclusion, although I support the principle of legal representation in employment tribunals, I do not agree with the various clauses relating to the setting up of a board separately to deal with that. There are issues for the Legal Services Commission to examine. The clause dealing with the budget is not a sensible approach. We must be realistic and set store by value for money. It is not sensible to let bodies determine the level of funding that they want. I have problems with that clause.

Of course there must be a merits test for any case that is to be taken forward. As I started by saying, most good representatives, whether legally qualified or not, will make sure that they properly advise their clients about the case before the tribunal takes place, so that they know whether they have a good chance of success or not. I should be interested to hear about the example in Scotland. We must have regard to article 6(1) of the European convention on human rights and the opportunity for people to have a fair hearing, but the Bill is not the best way forward for employment law or employment relations in this country.

11.59 am

Mr. Mark Harper (Forest of Dean) (Con): I want to make a few introductory points before discussing the Bill itself. The Bill's purpose is to make provision about representing and assisting complainants, and it highlights—as some of today's contributions have also done—the increasing complexity of employment tribunals. One root cause of the need felt by the hon. Member for Bradford, West (Mr. Singh) to introduce this Bill is the fact that employment tribunals can be very complex. Indeed, some 32 different Acts of Parliament can give rise to claims that go before employment tribunals, which is perhaps why a number of parties on both sides feel the need to be represented.

As several Members have noted, there are already many places where those wishing to bring claims to employment tribunals can seek advice. The Employment Tribunals Service website lists a number of sources of free advice, several of which have been mentioned. They include ACAS—I shall come on to trade unions shortly—citizens advice bureaux and community law centres. As the hon. Member for Kingston upon Hull, North (Ms Johnson) said, solicitors and other professional advisers sometimes give their services free on pro bono work. In most constituencies, a range of organisations already exists from which people can seek advice, so setting up a new quango and a new form of provision seems unnecessary.

The hon. Lady also said she would like to see an increase in representation. However, the flaw in the Bill as drafted—if it is to achieve the objectives that the hon. Member for Bradford, West seeks—is that it provides no new funding; rather, it simply cannibalises funding for existing bodies. The money for the new board would come straight out of the budgets of the Equal

Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality. As a result, they would have to cut their funding for the many valuable groups working on the ground that provide such services in our communities. Taking the money away and giving it to another organisation would damage many of these existing organisations, of which Members have had experience.

In trying to justify the need for this Bill, the hon. Member for Bradford, West failed to make a clear case for the argument that valid discrimination claims are not finding their way to employment tribunals. He mentioned some individual cases, but in passing legislation that would affect all the various commissions, and businesses and individuals throughout our country, we need to be sure that there is a clear need for it. He failed to establish that such a need exists. He said that he has consulted the Equal Opportunities Commission and the Disability Rights Commission, and that they oppose the Bill. I shall deal with the impact of such opposition a little later, when I consider some of the clauses.

The role of the trade unions has also been discussed. One Labour Member pointed out that in the private sector, just one fifth of employees are in a trade union. Trade unions should focus on providing excellent representation in the workplace. If they spent more time on that aspect of their role, and less on the party political aspect, they might find it easier to recruit members in the private sector workplace.

Huw Irranca-Davies: I genuinely welcome the hon. Gentleman's comments, and if for no reason other than the issue that we are discussing today, will he join me in proactively encouraging every employer not only to recognise unions in the workplace, but to support their active participation in it? Does he further accept that some employers are a little recalcitrant in their approach to unions?

Mr. Harper: No, and I disagree with that approach. It is the role of the unions to explain cogently to potential members the services that they provide. It is their job, not the employers', to recruit members. If unions are so weak that they need employers to do their recruiting for them, it is perhaps no surprise that they are in such a state.

Mark Tami: I agree, but the employee must be able to be approached by the union without being threatened with the sack, demotion or exclusion, as people sometimes are as a result of talking to someone in the union or becoming active in it. My hon. Friends and I know many cases where unions have tried to recruit in the workplace, but employers have adopted all sorts of tactics to obstruct them. The same applies to recognition, even at the stage where cases go to the Central Arbitration Committee. For example, employers may move employees out of certain groups of workers in order to make the union membership lower. There are all sorts of tricks and tactics going on out there. Yes, let us have a level playing field, but the employer must accept it as well.

Mr. Harper: That raises an interesting point, but if the hon. Gentleman will forgive me, I shall focus my remarks on the Bill that we are debating. We could have a much wider discussion on the role of trade unions in employment, but we are talking now about the advice and representation that unions can provide in respect of employment tribunals. One important point that emerges from our discussion is that if unions improved their provision of such advice, they might be able to recruit more members. However, the unions have been singularly unsuccessful at doing that, so perhaps the hon. Gentleman should talk to some of his colleagues in the trade union movement.

Huw Irranca-Davies: I am half tempted to warm to the hon. Gentleman for his words on the unions. He seems to recognise the quality and depth of knowledge that a union can offer, but I wonder whether he would go one step further. If the Bill were to fall today, who else, in the absence of a union in the workplace, could an individual at risk of discrimination turn to for the requisite expert advice? That is my question to the hon. Gentleman. He is half way there already.

Mr. Harper: If the hon. Gentleman continues to pay me such warm tributes, I may have to fear for my reputation on the Conservative Benches.

Mr. Vara: On the question of the role of trade unions, I would have thought that, in the present circumstances where much advice and information is available to the individual that was previously provided by the unions, it is better to advise employees of other options rather than simply encourage them to join a trade union. That is only one option, but I am mindful that I may be straying from the main subject of today's debate.

Mr. Harper: To answer the question put by the hon. Member for Ogmore (Huw Irranca-Davies) about the avenues open to those who do not have the services of a trade union, I have already provided, as have others, a comprehensive list of the help available. I mentioned ACAS, citizens advice bureaux, community law centres, solicitors and other professional advisers who give their services free under pro bono work. If the services of a union are unavailable, people can turn to a range of other organisations.

Huw Irranca-Davies: I am sorry to labour the point, but in the absence of a union, does the hon. Gentleman believe—contrary to the view expressed a few moments ago by the hon. Member for North-West Cambridgeshire (Mr. Vara)—that it is incumbent on the employer to set out the grievance policies and procedures clearly to anyone who thinks that they are suffering from discrimination and to affirm that the company actively encourages employees to come forward with their grievances about discrimination in the workplace?

Mr. Harper: Of course—any good employer will have a comprehensive set of policies and grievance procedures. I used to work for a large company that had a comprehensive set of procedures and made every effort to deal with cases within the company. Frankly, that is

[Mr. Harper]

usually the best policy for all concerned. Employment tribunals are usually set up only after a failure in that respect.

Before referring specifically to the Bill, I want to say a few words about employers and the way in which employment tribunals have developed. If I understand it correctly, when tribunals were first introduced the laudable idea was that their hearings would be relatively straightforward and able to deal with most cases. It was thought that neither side would need to be legally represented, which would keep the costs down. However, because things have become much more complicated, that is often not the case. Hon. Members have referred to employers using legal representatives. The last thing that small employers want to do is hire an expensive lawyer, who will send a bill every time the client talks to them, writes to them or coughs in their presence. Employers hire lawyers when they read about the more extreme examples that come before employment tribunals.

Mark Tami: I accept what the hon. Gentleman says. There is a problem for smaller employers who often panic when faced with such situations and rather than try to resolve the problem with the employee, they bring in expensive lawyers, which they do not need to do. Employing a barrister or taking cases further is a massive cost to an employer, whether big or small, and it certainly does not help the employer-employee relationship.

Mr. Harper: That is a good point, but employers would not take that course if they felt that there were other options. There is no level playing field for employment tribunals, in the sense that if employers have to use representation, they must pay for it, whether they win or lose. Even if they win the case they are still saddled with a large bill, while many of those who represent employees are not paid by the employee.

Mr. Kevan Jones: The hon. Gentleman makes a good point, but a person does not need a lawyer to go before an industrial tribunal. Like my hon. Friend the Member for Alyn and Deeside (Mark Tami), I know of cases where employers have hired lawyers for no apparent reason.

I draw the attention of the hon. Member for Forest of Dean (Mr. Harper) to the Employment Act 2002, which gave ACAS far more powers and provides for free advice so that fewer cases come before tribunals. The measure tries to ensure that small employers adopt basic grievance procedures. If they follow those procedures they should never need to go before a tribunal.

Mr. Harper: That is a good point and one of the things it highlights is the divide between larger and smaller employers. Large companies are able to employ specialists, they have human resources departments with specialists in all types of law. Smaller companies often have no full-time member of staff who is familiar with all the legislation—as I said earlier, I think there are 32 Acts relating to such matters. It is extremely difficult for a small company, even one that is desperately trying to do the right thing and provide an excellent workplace, to be sure that it is complying with all those pieces of legislation. That is one of the reasons why, when they are hit with an employment claim, they panic, as the hon. Member for Alyn and Deeside (Mark Tami) said, and reach for a lawyer.

Mr. Heald: It is not simply a question of the strict legality of the matter. For a company to be accused of an act of discrimination is a reputational issue. Does my hon. Friend agree that although well over half such cases fail, the employer has to take each one seriously?

Mr. Harper: That is the case. That is one of the reasons why employers are concerned and feel that, because of the threat to their business—for example, from damaging press reports—they have to be legally represented.

I have concluded my preamble and I now turn to the Bill. I note that 11 Members supported the hon. Member for Bradford, West, but I have seen only one of them in the Chamber this morning—the hon. Member for Bolton, South-East (Dr. Iddon), although he is not in his place at the moment. I hope that we shall hear from as many of the Bill's supporters as possible during our proceedings. I look forward to that.

When I was considering the purposes of the Bill, I wondered why, as discrimination cases account for only a proportion of those that go before an employment tribunal, the hon. Member for Bradford, West felt that the extra quango should be set up only for discrimination cases. He seems to be saying that such cases are more important or more worthy of assistance than others that go before employment tribunals.

Mr. Singh: My concern, which caused me to introduce the Bill, is the fact that the equal opportunities bodies responsible for tackling discrimination are not doing so at the individual's level. Last year, those organisations supported 250 cases of strategic significance out of more than 20,000 that were lodged. My concern is that those 250 people got the support that they needed and deserved but thousands of people did not, and did not have access to justice in terms of their claims.

Mr. Harper: The hon. Gentleman makes an interesting point, but earlier some of his hon. Friends pointed out that the commissions to which he has referred do a great deal of work through funding organisations on the ground. They might not themselves represent very many claimants, but, because of the funding that they provide to grass-roots organisations—I see that many hon. Members agree—they offer indirect support to those cases. With respect, I think that his argument may be flawed.

Accreditation is one of the functions of the board set out in clause 2(2). It strikes me that requiring the tribunal board to go through a process of accrediting organisations to say that they are appropriate to provide representation, will not only be a cost for the new quango but will impose a whole set of costs, red tape and burdens on all the organisations that we have mentioned that provide assistance to people going before employment tribunals. No doubt such organisations will have to fill in long, complicated application forms, explaining how their organisation works and making

the case for it to be accredited. It will place a cost burden on all those very worthy organisations that provide support to those going to employment tribunals, and will reduce the amount of effort and work that they can put into representing people, which will have the opposite effect to the one that the hon. Member for Bradford, West is seeking.

Given that the purpose of the new board is to provide representation, I am a little concerned that clause 2(3)(c) says that it may

"undertake, or arrange for or support (whether financially or otherwise), the carrying out of research or the provision of advice or information."

It seems to me that that research work and provision of advice information is done quite well by a range of organisations, whether Government or other third-party bodies.

Mr. Forth: I hope that my hon. Friend has not entirely left the subject of accreditation yet, because his eye must have fallen, as mine has, on clause 5(5)(b), where there is a rather peculiar provision that if an accredited body does not show any interest in a case, the case can be given to an unaccredited body. Does he agree that that makes the whole concept of accreditation somewhat bizarre, and does he not think that there is absolutely no protection in the Bill against cowboys being given taxpayers' money to represent complainants badly?

Mr. Harper: That is a perceptive point, and when I get to clause 5 I will indeed refer to it.

Mark Tami: I agree with the hon. Gentleman on the research question. The Legal Services Commission does have its own independent research arm, which does a lot of work. The key is that it is independent.

Mr. Harper: The hon. Gentleman makes the helpful point that an organisation already exists to do the required research.

Clause 3 relates to the funding of the board, on which we have already had a number of questions, the most perceptive of which was asked by my hon. Friend the Member for Cotswold (Mr. Clifton-Brown). Certain discrepancies have been revealed. The hon. Member for Bradford, West spoke about some of the alternative organisations that provided representation and assistance and said that their funding was precarious because it was arranged annually and could be withdrawn. But clause 3(1) only refers to annual funding. It states:

"At least three months before the beginning of each relevant financial year, the Board shall prepare and send to the Lord Chancellor an estimate of its funding needs for that financial year."

So that does not give many of those organisations longer-term or more stable funding arrangements than they currently have.

The most concerning part of the clause is subsection (3). It states:

"It shall be the duty of the Lord Chancellor to secure that there is paid to the Board"

effectively any amount of money that the board so require.

I noticed that the Paymaster General was in the Chamber earlier. No doubt, she would be extremely concerned that the board, the composition of which I will mention later, could say—let me propose an outrageous example to make the point—that it required £1 billion in funding and that the Bill would put on the Lord Chancellor the duty to supply that sum, which would require much of his budget and completely destroy the EOC, the DRC and those other commissions. He would have no power to refuse to supply that funding. Such a commitment is extremely open-ended.

Mr. Kevan Jones: I agree with the hon. Gentleman, but would not other funding Departments be caused distress? The board would be unique in any spending round because it would have first call on the money. Other Departments would be very concerned about that, given their annual budgets and an array of other issues.

Mr. Harper: The hon. Gentleman makes a very good point, particularly given the board's composition—none of the people on the board would be democratically accountable. To give them an ability to jump straight to the head of the funding queue and secure resources ahead of many other worthy things seems very worrying.

The Bill would give the Lord Chancellor no option but to provide all the funding that is requested, but the hon. Member for Bradford, West admitted in his opening remarks—I hope that I quote him accurately—that he had no idea of how much money would be involved in setting up the board, in its operations and in paying to support claimants. Given that he has no idea of how much the board would cost, he can therefore have no idea of how much damage it would cause to the rest of the Lord Chancellor's Department and the other commissions that would be raided to pay for it. That is extremely worrying.

Clause 5 says that the board must invite tenders for the provision of accredited advice in each area. It would be helpful if the hon. Gentleman replied to this point. When a lot of public bodies issue tenders for publicly funded work, they must comply with some complex procedures under European Union legislation about advertising such work, providing a level playing field and ensuring that companies are given a proper opportunity to tender. I should be interested to know whether he has given any thought to how that tendering process would work in practice.

The process envisaged in the Bill could ensure that fewer and fewer organisations tendered for the work. A lot of local community groups are likely to be small. Would they have an adequate opportunity to tender for work, given the complexity of the tendering process? A lot of those smaller organisations would be put out of business, and only a few national organisations would have the opportunity to tender. I do not see the hon. Gentleman rising to his feet, so perhaps he has not considered those issues.

Clause 5(4)(b) talks about making

"arrangements for the payment to the accredited body of such amounts as are reasonably incurred by that accredited body in carrying out those functions".

Nothing in the Bill would set up any process or financial arrangement for the board that would give me confidence that it had processes in place adequately to scrutinise the expenditure of public money and to ensure that it was spent wisely.

[Mr. Harper]

Under clause 5(6)—my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) drew attention to this—if the board put out a tender for work to accredited bodies and none of them was interested in taking part, the work could be awarded to other organisations. That subsection talks about making arrangements to do that, but no necessary processes would be put in place. So the tendering process would be open and transparent, but if people did not tender under that process, as would seem likely in many areas, it is not entirely clear what other robust protections would be in place. The danger is that members of the board would award contracts for spending taxpayers' money in a way that was not transparent and did not obviously give good value to the taxpayer.

Clause 6 is on codes of practice. I was interested in the other equality commissions that the hon. Member for Bradford, West talked about and that I touched on in my opening remarks. They are mentioned a number of times in the Bill as having a partnership role with the board. I was struck by clause 6(4), which states:

"Before preparing a code of practice under this section, the Board shall consult—

(a) the equality Commissions".

Mr. Kevan Jones: May I draw the hon. Gentleman's attention to sub-paragraphs (1) to (6) of paragraph 2 of schedule 1, on the membership of the board? The position is worse than he says, because, under paragraph 2(2), a number of members of the board would be appointed by the commission for equality and human rights. It would be contradictory to have two roles.

Mr. Harper: That is a very good point and one that I had noted and was coming to later.

The board would have to work closely with the equality commissions and it strikes me that if, when it is set up, its funding is arrived at by raiding the budgets of those commissions, the relationship between the board and the commissions will not start off as a particularly happy one. It struck me that, given that they would be forced by the Bill to work closely together, the provision might not work terribly well.

Clause 7 talks about the agency arrangements, and this is where the point made by the hon. Member for North Durham (Mr. Jones) becomes even more important. The clause says that arrangements may be made between the board and the equality commissions for the functions of the board to be carried out either by members of the equality commissions or by members of staff of those commissions. The Bill proposes setting up a board that would be funded by raiding the budgets of the equality commissions, and the board could then turn round and sub-contract the work to the very commissions whose budgets it had just raided to enable it to be created in the first place. That would mean a lot of red tape and complexity and the establishment of new quangos, but not any appreciable change in the delivery on the ground. However, there would be much more cost, which means a lot less funding available for the delivery of representation work.

Mr. Forth: I know that when my hon. Friend carries out his analysis of schedule 1 he will come to the board and its membership. Does it not appear that the Bill would set up conflict in many different ways? We would have an incestuous relationship between the board and these rather ghastly commissions. Their memberships would overlap, they would appoint one another and they then would argue with each other about funding. This is surely a prescription for resentment and a complete lack of focus and productivity.

Mr. Harper: All my right hon. Friend's points are well made, and he has made them rather better than I could have done.

The hon. Member for Kingston upon Hull, North talked about making sure that we have value for money in these processes. Clause 9 talks about giving the board a duty to

"carry out its functions effectively, efficiently and economically".

However, it does not define any of that, and it does not give the board any means by which to prioritise between carrying them out "effectively" and "efficiently and economically". There is no way of weighing that up. Given the other provisions in the Bill, it strikes me that it may well be biased towards the "effectively" and not worry too much about the "economically".

The other point overlaying the debate relates to the position in employment law, and the hon. Member for Bradford, West focused his specific examples on complicated cases. Therefore, if we are to pass the Bill, it is incumbent on us to try to make it as simple and easy to understand as possible. The interpretive provisions in clause 11 refer to when the Act would apply to proceedings and how someone would know whether their particular case was covered by it. There are detailed references to sections in many other Acts of Parliament, so how could any member of the public who might benefit from this Bill be clear about whether they fell under its provisions? They are very complicated. There would be a little sub-industry, with people arguing about whether their cases fell within the realms of discrimination so that they could get assistance from the board, or whether they were cases of a different nature, which would mean that they would get no such assistance. That would add complexity to an area that is already too complicated.

Clause 12 details the meaning of an eligible complainant: the sort of person who would benefit—if benefit is the right word—from the Bill. The clause is both complicated and specific. The hon. Member for Bradford, West focused on dealing with discrimination, but I have difficulty reconciling myself to a Bill that would only help people to take complaints about discrimination to employment tribunals, rather than about other matters. The hon. Gentleman is being discriminatory by picking a subset of the cases that go to employment tribunals. To introduce rules about eligibility would create a lot of complexity.

Mr. Kevan Jones: I thought that the hon. Gentleman would raise this matter when he considered the membership of the board. There is a further contradiction in paragraph 2(4) of schedule 1. Will he comment on the fact that the criteria for appointing

three of the 10 individuals who will serve on the board include not ability but the fact that a person has

"brought proceedings to which this Act applies"?

Mr. Harper: The hon. Gentleman is again perceptive and anticipates that I had noted that point as something about schedule 1 to which I wanted to draw attention. There is an even worse provision that shows that the hon. Member for Bradford, West might be guilty of discrimination, but I shall touch on that later.

Clause 13 sets out the wider meaning of assistance, but given that the hon. Member for Bradford, West has not estimated the amount that the Bill would cost, it is rather open-ended. It says that the assistance that may be given varies from advice and trying to settle a matter to

"arranging for the giving of advice or assistance by a solicitor, counsel or advocate"

and arranging for representation by a whole range of people. More interestingly, such assistance could include the payment of many of the costs that could be incurred by a person going to an employment tribunal, even down to travel expenses. That would tilt the playing field further towards a person going to an employment tribunal and against others, especially small businesses.

Before the Bill makes any progress, the hon. Gentleman should give us a detailed estimate of its possible cost. I do not think that he is correct, but he says that thousands of people who suffer discrimination are not able to take their cases to employment tribunals because they do not receive appropriate advice. Labour Members have estimated that some cases that reach tribunal can cost thousands of pounds. Simple arithmetic shows that, if the Bill allowed those thousands of people to take their cases to tribunal, thousands of cases costing several thousand pounds each would lead to a cost of millions of pounds. The hon. Gentleman thus has a duty to the House to quantify the costs that might be incurred as best he can.

I am sure that we have all been waiting to get to schedule 1, which sets out the constitution of the board, with bated breath. I was appalled to find that paragraph 2(2) of the schedule says that at least one member of the board who is appointed by the commission for equality and human rights must be, by law,

"a disabled person or a person who has a disability."

I am not quite sure of the difference between a disabled person and a person with a disability—the phrase seems a little repetitive. Providing that there must be a disabled person on the board is a piece of discrimination. Just as we should not discriminate against people with disabilities, people should not be given jobs on boards because they have disabilities—but that is what the Bill says.

Mr. Jones: Does the hon. Gentleman agree that, theoretically, someone who had a disability, who was from an ethnic minority and who had also taken proceedings before the tribunal might be able to apply under all three categories?

Mr. Harper: Yes, but there is a more serious point here. The number of members of the board would be limited, and by statute one of the positions would have to be given to a disabled person, so if a number of people applied, there could be indirect discrimination against someone on other grounds. Someone from another minority could apply, and they would not be given a position on the board because the quota for a disabled person had to be filled. That seems like nonsense. Whether the provision is badly drafted or whether that was the intention I do not know, but it seems rather bizarre.

People would expect a board funded by the taxpayer to have some element of independence, yet extraordinarily, paragraph 2(4) says:

"Three members of the Board shall be chosen by the Commissioner for Public Appointments on merit from amongst ten persons whose names have been chosen by lot from amongst persons who have—

(a) brought proceedings to which this Act applies".

The board would be packed with people who had not only brought cases to employment tribunals but, specifically, had brought cases of the kind with which the board is supposed to help. If that is not stacking the deck and loading the dice, I do not know what is.

I would prefer a more open selection process. I do not know whether other hon. Members can help me by telling me whether the criteria suggested are common in legislation, but they do seem remarkable.

Mr. Heald: If one wanted to set up such a board—which I do not—surely one would want on it people competent in administration and in ensuring that money got to the right place. The suggested constitution of the board, with people who have been aggrieved by decisions of a tribunal, and those with roles in the various commissions, is really one for a campaigning body. Is that the right kind of body for this purpose?

Mr. Harper: Exactly; my hon. Friend makes a good point. Such a system would not pick the people who would be good at doing the job for which the board had been set up.

Mr. Forth: Does my hon. Friend agree that paragraph 2(4)(a) could be taken to mean that someone who had brought a frivolous complaint that had not yet been resolved could qualify for membership? As membership would be drawn by lot, is it not therefore possible that several frivolous complainants could qualify for the board?

Mr. Harper: My right hon. Friend's reading of the wording is accurate. There is no requirement that the proceedings that such people have brought should even have got past the pre-hearing stage. They could have brought proceedings that had no merit, yet they would still qualify to apply for membership of the board.

The words of choice for Labour Members seem to be openness and transparency, but it is worrying that paragraph 2(5) says that another five members should be chosen

"by the members of the Board appointed in accordance with the preceding provisions".

That strikes me as rather an incestuous process. That is one of the problems with police authorities. Part of the board, appointed under one set of rules, then picks some

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more people, which means that there is a rather incestuous relationship and it is not entirely clear on what grounds people have been chosen. That is not a satisfactory way of putting a board together.

Paragraph 10 is about the remuneration and pensions of members of the board. Again, it is disappointing that we are now talking about setting up another quango, whose chairman will be paid. In fact, thinking about what my right hon. Friend the Member for Bromley and Chislehurst said, there is an interesting conflict. Bearing in mind the fact that the board would have the power to set a budget that the Lord Chancellor is compelled by statute to deliver, the Bill states:

"The Board may pay to the chairman or any of the other members of the Board such remuneration as the Lord Chancellor may determine."

That would set up an interesting process whereby the Lord Chancellor could trade the salaries of the board for the amount that the board decides it has to tell the Lord Chancellor he has to deliver. A game of bluff could develop, with the board requesting a vast amount of money and the Lord Chancellor doing deals with it to reduce the amount in return for the board receiving more money. I do not think that the Lord Chancellor would welcome that worrying conflict and nor should we.

Paragraph 10(2) deals not just with paying board members, but with paying them pensions, allowances, fees, expenses and other gratuities. Setting up more public sector pensions for people on the board when we already have a vast problem with the affordability of public sector pensions is not something that I would welcome.

Mr. Kevan Jones: It is perhaps worse than that. Under the heading "Staff", paragraph 11 says:

"The Board may appoint such staff as it considers appropriate, on such terms and conditions as it may determine."

If it decides to have an open-ended budget, the organisation could employ thousands of people by the end of its term of office.

Mr. Harper: The hon. Gentleman makes a valuable point. The rules under which the board would operate are extremely worrying. Paragraph 11 is a concern. It mentions

"such staff as it considers appropriate",

with no checks or balances. Organisations are usually constrained by budgets and the priorities awarded by the Treasury, but as the Treasury has no control over how much money the organisation gets, it could grow like Topsy. That would worry those in all other Departments.

Paragraph 19 relates to supplementary powers. It is also worrying that the board has the power to

"delegate any of its functions (to such extent as it may determine) . . . to any member of the Board . . . to any member of staff of the Board, or . . . to a committee consisting of persons each of whom is . . . a member of the Board, or . . . a member of the staff".

Given that no minimum requirements are set for the size of such committees and no restrictions are placed on any of those powers, the organisation could have an unlimited budget, extracted from the Lord Chancellor by statute, and employ any number of staff, yet all its functions could be exercised by a single individual, with no control at all. So the Bill could give an individual the possibility of running a vast organisation that has a huge budget and over which there is little control. We should not be doing that.

An alternative and better approach—it is probably fairly clear that I am not a great fan of the Bill and am not likely to support it—would be to draw on some of the helpful remarks of Labour Members. We could make employment legislation less complex and make the knowledge of those organisations that already provide advice in our communities more widely known, so that people can get to them more easily. Perhaps we should encourage Labour Members who have strong links with trade unions to make those unions better advocates of the services that they offer for representation. Those need to be better marketed. That would be a more suitable way of addressing discrimination.

Mark Tami: I accept what the hon. Gentleman says, but does he accept that employers also need a bit of educating about some of the services or advice that is available to them so that they do not get into difficulties in the first place?

Mr. Harper: That is a valuable point. When I listed the organisations that provide advice, it was very much from an employee's perspective. It might be helpful, particularly for smaller employers, if the employment tribunals website—I ask it to forgive me if I do it a disservice, because it might already do this—listed organisations that provide at least the first level of advice to employers, especially those that do not have easy access to professional advice.

Mr. Flello: The hon. Gentleman may or may not be aware that Yorkshire Forward, the regional development agency, is working with ACAS. Together, they have formed a partnership that involves about 100 small and medium-sized firms in the Yorkshire and Humber area. The partnership is working with small employers to tackle equality and diversity.

Mr. Harper: That is a helpful intervention. That sort of partnership working and having different organisations providing advice is a much more sensible approach than—

Mark Tami: I would hope that employer organisations did not act as the Engineering Employers Federation did on recognition rights. Rather than encouraging its members to engage with trade unions, it recommended that they go to Eversheds, which ran a good union-busting-type operation. I hope that employer organisations do not go down that road.

Mr. Harper: Heaven forbid my ever recommending to anyone to rush off to enrich large firms of City lawyers.

Whatever problems we have with people having access to employment tribunals, the key point is that we would be setting up a quango that has unlimited funding and unlimited numbers of staff at the expense of the

various equality commissions that already exist, which are already funding organisations to provide access to tribunals. That seems a retrograde step and one that I cannot support.

12.46 pm

Huw Irranca-Davies (Ogmore) (Lab): I begin by congratulating my hon. Friend the Member for Bradford, West (Mr. Singh) on introducing the Bill and on inspiring quite a high-quality debate on access to justice for all in respect of discrimination and in a wider context. How do we ensure that the most vulnerable in the work force—people who are not necessarily represented by a union or people who do not have easy access to the legal network—can justifiably bring discrimination cases?

At the risk of jeopardising the career prospects of the hon. Member for Forest of Dean (Mr. Harper), I congratulate him on his extremely rational and reasonable contribution, both in terms of the principles he was speaking to and his analysis of the Bill clause by clause. I suspect that I might have knocked his chances back by about six months at least.

Mark Tami: Is the hon. Gentleman standing?

Mr. Harper: Nominations closed yesterday.

Huw Irranca-Davies *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Hon. Members should intervene when they are conceded the opportunity to do so and should not shout at one another across the Chamber.

Huw Irranca-Davies: I took the interjections in the spirit in which they were made in contributions to the debate, Mr. Deputy Speaker.

Surely the principle of access to justice for everyone is absolutely right. A major bone of contention is the expense and scope of the proposals—the belt-and-braces approach. It is said that, in effect, the Bill is a universal charter of prescription, and there is the worry that it is a universal charter for legal aid rather than a more proportionate response that would target those with the greatest need whose complex cases require full legal assistance against what are often highly professional teams of solicitors and barristers. That is one of the major criticisms.

Linked to that is the argument that, in some ways, the Bill, well-intentioned though it is, is unnecessary on two counts. First, the quality of advice and the extent of legal representation is already available. I have voiced concerns about how complete that coverage is. It is said that by and large the legal advice is already available.

Secondly, the Bill militates against the Government's aims of early intervention and non-litigious solutions such as conciliation.

Mark Tami: My hon. Friend makes a point about which I, too, am very worried. Although, as he says, a lot of advice is available, we must have a proper network that ensures that people are aware of it.

Huw Irranca-Davies: I entirely agree. On the latter point, availability is not the only issue, and we have, as a Government, made great strides with the various legal services and the voluntary sector to extend coverage. There is also the fundamental issue, which has frequently been mentioned in the debate, of how we draw these matters to people's attention when they cannot easily turn to somebody who can give them advice, either because they are in a workplace where they are actively discouraged from doing so or because they simply do not have access to a well trained, highly skilled and capable representative, union or otherwise. I shall return to that issue later.

Members have mentioned the principle that prevention is better than cure. The aim is to keep cases out of the legal system, not simply to try to pull back money from solicitors wherever possible but because it is far better to deal with issues as they arise. We should aim for early intervention rather than people getting into the costs, stress and anxiety caused by making a legal case and taking it through hearings and tribunals. That is very much the thrust of the Government's approach.

The dispute resolution process can take many forms, including mediation and arbitration. The use of grievance and disciplinary procedures is part of the process. I have learned through my experience in various voluntary sector organisations how crucial effective working relationships with all staff are. Employers should actively encourage people to express concerns or grievances, rather than slap them down or create a culture in which they feel unable to speak. In addition, there must be written procedures, even if, as my hon. Friend the Member for North Durham (Mr. Jones) said, they are the basic required grievance and disciplinary procedures.

Mark Tami: That is a crucial point, because not only the employee but the employer must be aware of the procedures. The grievance procedure allows an employee to raise an issue and have it dealt with. The vast majority of cases do not result in a tribunal or in the employee leaving the company, but are resolved through the grievance procedure.

Huw Irranca-Davies: I entirely agree. The point has been well made several times.

Perhaps I can give succour to those who have been concerned by some of the comments of Opposition Members. We should be trying to improve employers' access to advice that enables them easily to put in place written procedures, as well as training and upskilling that does not involve sending people away on a two-day course at immense expense. We have done work on that already, but we need to keep applying pressure to make it easier and simpler for employers. That is particularly important not only for small businesses, but for small organisations in the voluntary sector, which have limited resources.

Mr. Kevan Jones: Does my hon. Friend agree that the thrust of the Government's approach in the Employment Act 2002 was to ensure that disputes are resolved in the workplace, and that it is having an effect? The Government are committed to ensuring that cases do not get to a tribunal, which clearly proves that they

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are trying to ensure that good employment practice is spread more widely, contrary to the ignorant and ill-informed views of the hon. Member for Shipley (Philip Davies).

Huw Irranca-Davies: That should be the clear message from the House today. The aims of the 2002 Act were specifically

"to create a successful workplace through fairness and partnership at work and make it easier to settle disputes in the workplace".

That is the crux of the matter. My worry is that, if we impose an overarching, super-organisation at the top, it will go against that ethos. The principle of resolving disputes at the appropriate level, which the Government rightly support, may mean progressing into tribunal or into court. However, if we look at it as a pyramid shape, the vast majority of cases should be capable of resolution at the base—in the workplace—before they reach the system of tribunals and court hearings.

At court, one of the things that the judge will look at is whether dispute resolution has been tried. That is right and proper. He will look at an application poorly if one of the parties has been offered the option of alternative dispute resolution and said that they were not interested. That is absolutely right. There has been a fundamental change in the ethos and the way in which we deal with the issue.

Mr. Jones: If the applicant refuses to go through a company's formal disciplinary procedure, the application will automatically fall, even if it has good cause in terms of grievance. That flies in the face of the claim that frivolous and vexatious cases are queuing up to go before employment tribunals.

Huw Irranca-Davies: That is correct. It is worth drawing attention to one of the most instructive cases in this regard, the Burchill and Bullard case in 2005. In his summing-up, Lord Justice Ward made four specific points. One was that the defendants' belief that their case was so watertight that they did not need to resort to alternative dispute resolution was unreasonable. Secondly, in his opinion, their claim that the case was far too complex for alternative dispute resolution was "plain nonsense". Thirdly, the costs of alternative dispute resolution would have been a drop in the ocean—we have said it repeatedly—compared with the legal costs that were incurred by bringing it to that level. Finally, Lord Justice Ward said:

"The defendants cannot rely on their own obstinacy to assert that mediation had no reasonable prospect of success".

That is a fundamental challenge to what used to happen. Previously, there was almost a charter saying, "Get straight to the lawyers; take it straight to the highest level." There are now appropriate levels at which disputes can be dealt with.

Mark Tami: That is a key point. The grievance procedure in many ways acts as a cooling off period. It stops people almost straight away bypassing everything else and going straight to lawyers. I know from my casework that once lawyers are involved, reasonable cases that could be resolved by other means often get very nasty and expensive. All employers, regardless of whether they are big or small, have grievance procedures enabling talks between them and employees. In the vast majority of cases, that results in a sensible outcome.

Huw Irranca-Davies: Indeed. It is vital to put on record the importance of looking at it as a process. It is not a one-size-fits-all approach. We are saying, in tune with what we have done in recent years, "Let us solve these issues, where we can, at the earliest possible level of intervention, without going through the courts." Lord Justice Ward said in his summation:

"Mediation has established its importance as a track to a just result running parallel with that of the court system. Both have a proper part to play in the administration of justice. The court has given its stamp of approval to mediation and it is now the legal profession which must become fully aware of and acknowledge its value."

There is a strong message there for the whole legal profession. In a debate such as this, it is tempting to indulge in scurrilous anti-legal profession stories, but, tempted though I am, it would be unfair to do so. As we all know, many legal practitioners do good work, especially at the edge, where they deal with some of the most vulnerable members of society. However, there are also those who are willing to exploit this area of law. Perhaps the Minister will say how we can prevent people who suffer from the present gaps in provision from becoming vulnerable to those who would take money from them, even though there was no hope of the case being taken further.

I applaud the aim of the Bill, which is to deal with what we might call equality of arms. Where two individuals or an organisation and an individual confront each other at any stage of a dispute they should have the same capability, expertise and skills on which to draw to present their case in the best possible way. The starting point is article 6 of the European convention on human rights, which has been incorporated into law in this country through the Human Rights Act 1998, with which the Legal Services Commission and the Department for Constitutional Affairs have a duty to comply. Article 6 establishes that people must have effective access to courts and tribunals for civil cases; that there should be equality of arms; and that there should be no disadvantage for either party, be it the person making the complaint or the small business man—or the small voluntary sector organisation—against whom the complaint has been made. The article allows that, sometimes, that can be achieved without legal aid and without resorting to solicitors and barristers, other than in exceptional circumstances.

In England and Wales, we already have provision for exceptional funding. Many of the cases that have been highlighted in this debate by hon. Members on both sides of the House have been peculiarly complex and challenging; they do not fit into the standard tribunal approach. In such cases, it is right and proper that there be a method of funding available to ensure equality of arms. I argue that exceptional funding meets that requirement.

Mark Tami: Much has been said about how different provision in Scotland is. In fact, the Scottish system provides aid where the case is evidently complex.

I regard that as very similar to the system of exceptional funding. Although there is a difference, it is not as great as it has been made out to be.

Huw Irranca-Davies: I suspect that my hon. Friend is correct. One of my questions for the Minister is about the extent to which she has identified deficiencies in the present system. I agree that the two systems are not that far apart.

Mr. Alan Reid: The Library note states that

"Legal aid is not available for hearings in employment tribunals in England and Wales."

That is a straightforward statement. Is the hon. Gentleman suggesting that that is not so—that there are circumstances in which legal aid is available?

Huw Irranca-Davies: Indeed there are, but they are deemed to be exceptional circumstances. They are extremely rare—*[Interruption.]* My hon. Friend the Member for Bristol, East (Kerry McCarthy) tells me that we are talking about six cases in the past five years. Rightly and properly, there is access to funding in England and Wales, and our system is not that different from the one in Scotland.

Mr. Heald: Does the hon. Gentleman agree that exceptional funding relates to the whole case load of tribunals and that, in discrimination cases, the EOC and other commissions fund the significant cases that will amplify the law?

Huw Irranca-Davies: I agree. The hon. Gentleman's point is well made, but what analysis has been made of cases that may have slipped the net? An important premise of today's debate is that many of the necessary mechanisms and agencies already exist and operate. I am more interested, therefore, in an analysis of the cases that were not successfully taken up at an early stage.

Mark Tami: The Scottish system takes into consideration language issues and physical or mental illness or disability. I am not sure whether the exceptional funding covers that. If not, I hope the Minister will deal with it, as it is a valid point.

Huw Irranca-Davies: My hon. Friend makes an excellent point. I hope the Minister will address it in her remarks.

Let me explain why I believe we have many of the right mechanisms in place. There has long been a tradition of support in the workplace. Support has come from colleagues, unions, friends and, increasingly, voluntary sector organisations. The diversity of support that is available from the beginning of a potential case or from the early mediation stage ensures that widely differing cases and circumstances are recognised. In an intervention on my hon. Friend the Member for Alyn and Deeside (Mark Tami), I mentioned the case of homeless young single males in the Bridgend area. They are exactly the sort of people who would not reach out or be reached out to by a normative countrywide organisation. They need individuals who are trained and well funded to work closely with them and give them advice. The tradition of grassroots support should not be jeopardised. Community legal services have traditionally sought to maximise their impact in the union and the not-for-profit legal support sector.

Legal help, formerly known as the green form scheme, has been subject to means-testing and the merits of the case. So there is a filtering system and a progression that tests the efficacy of a case and whether the individual requires financial support to pursue it. Exceptional funding under the Access to Justice Act 1999 is available for complex cases, as we have discussed. The reason that so few cases qualify is that they are examined individually and recommended by the Legal Services Commission.

The question is whether the principle of targeting resources on those whom we recognise as most requiring assistance—the equality of arms issue—is right or whether we should adopt a much wider approach. I believe we should fine-tune the current system, rather than try to replace it or overlay it with a different system. The history of such reorganisations is that they lead to confusion and inefficiency, instead of tightening up the system. However, I have several questions that I should like to pose and ask the Minister to respond to.

First, what evidence is there that under the current system people are losing out? Has there been any independent review of what is working and what is not working in the current system? My hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) touched on that. There are independent bodies out there, and in the light of the debate perhaps it is timely to discover where there are gaps in provision. Secondly, is access to justice under the present system clear enough? Is it sufficiently well signposted at the time of need in the workplace? Thirdly, how seamless is the system? In the progression from early identification to deciding whether the case should be solved through early arbitration or mediation or progressed through tribunals into the court system, is the signposting clear enough or are there differences, depending on location and the organisation in question?

At the very first level—trade unions, reliance on work colleagues and so on—how confident are we as a Government that there is good coverage in skills, training and experience not only in workplaces that have union representatives, but in those where unions do not exist? If we are not confident that such coverage is near perfect, what can we do to make it so? We have already talked about the onus on employers to encourage such a climate. What more do we need to do to ensure that gaps do not exist?

I have raised this issue before in the past two or three years, during which time we have made great improvements. However, in closing I have a question for the Minister. What recent analysis has been made of funding gaps in the current system, particularly in universal coverage of legal aid? I also have some points for my hon. Friend the Member for Bradford, West, who introduced this Bill, to consider. One of my concerns is how the Bill would synthesise with existing legal and support structures on the ground. He has heard several Members express the worry that, at best, it would be a superstructure that duplicates existing practice, and that, at worst, it would damage

[Huw Irranca-Davies]

existing provision by taking funds away or by skewing priorities on the ground. As I said earlier, diversity of provision is very healthy.

As several Members have also said, we must clarify the costs that the Bill would entail. Providing a blank cheque for legislation— any legislation—is an extreme worry, and although I would not want the question of funding to prevent a good Bill from making progress per se, it is incumbent on any Bill that its financial implications be as clear as possible. Have other ways of overseeing access to justice in discrimination cases been considered that are less "belt and braces"? What suggestions did the Equal Opportunities Commission and other such bodies make to my hon. Friend the Member for Bradford, West during his discussions with them? What did they have to say about developing the current system and dealing with its deficiencies?

Today's debate has shown that there is general consensus that the Government's current approach is right. However, concerns have been expressed about clarity of provision, and about the ability of people throughout the UK to access such provision. I hope that the Minister will discuss the integrity of the current system and the potential for improvements to it in her response. However, I am worried about rolling out new legislation that might destroy or damage the very elements that my hon. Friend the Member for Bradford, West is seeking to enhance.

1.13 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): I congratulate the hon. Member for Bradford, West (Mr. Singh) on coming first in the ballot and thereby being able to introduce what is his second Bill on this subject, he having introduced the first, I believe, during the last Session. The Bill does raise important issues about the way in which employment tribunals operate in the sphere of discrimination law. I do not believe, however, that he has found the right solution. Setting up another quango and taking money from organisations that are already providing important services is not the way forward, but he has lit on an area in which difficulties exist.

In the early days of the industrial tribunal—I suppose that I should admit, as a lawyer, that I practised there for quite a few years—the atmosphere was very informal. It used to be described as the industrial jury, and there was an employer's representative and an employee's representative. Sometimes, just the employee and the boss would argue the case. At other times, the union representative or someone from HR—human relations, but we used to call it personnel in those days—would be involved. The environment was excellent and there was a real workplace feel about it. I can honestly say that it was not legalistic. The employer explained the reason why the person had been dismissed and argued that it was reasonable in the circumstances.

Discrimination cases are slightly different. Over the years, there has been a piecemeal accumulation of law on discrimination, leading to a large and complex body of law. I believe that it places a considerable burden on employers who have to try and understand the different matrices of discrimination within three different categories. From the employees' point of view, the protections are uneven, which is often poorly understood by employees themselves. I agree with the hon. Member for Kingston upon Hull, North (Ms Johnson) that people often require good advice in this sphere of the law.

Other problem areas include constructive dismissal, the Transfer of Undertakings (Protection of Employment) Regulations 1981, and so forth. Over the years, the atmosphere in the industrial tribunal—now the employment tribunal—has changed from being informal and constructive in how it operated to becoming more lawyerly, more formal and more legalistic. The rules have changed and become rather more restrictive, so it is time to look again into the whole subject of how this area of law operates. Indeed, the time has come for a review of discrimination law to see whether it can be made simpler. I would also welcome another look at how tribunals operate to see whether we could return to something more firmly rooted in what is happening in the workplace. I agree with the point made by the hon. Member for Ogmore (Huw Irranca-Davies)—that prevention is always better than cure. Providing decent grievance and disciplinary procedures that operate fairly in the workplace offers the best way forward.

I would make one point in defence of how employment law, rather than the courts generally, has operated, in that ACAS has always had an important role in dealing with cases, which allowed many settlements to be reached at an early stage. Lawyers practising in the employment field can justifiably feel that they were trailblazing to some extent.

In the really difficult cases of exceptional public concern where the highest issues of law apply, exceptional funding may be justified. However, for cutting-edge cases of discrimination, the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission are providing funding that is likely to make a difference in respect of clarifying, amplifying or extending the law. I do not believe that we have that much of a problem in getting the law right. The real problem is ensuring that someone worried about understanding the law has the opportunity to get the necessary advice in order to weigh up whether to proceed with a case.

The number of discrimination cases has increased, but levels of success at tribunals are pretty low—below 5 per cent.—and many cases are either withdrawn or dismissed. That may show either that many initial cases are of poor quality or, as the hon. Member for Bradford, West argued, that applicants feel unable to continue because they do not know how to navigate the system and need a lawyer. The community legal service provides a network throughout the country, but is currently under pressure. The legal aid practitioners group pointed out that its funding from the Government is being squeezed because the criminal legal aid budget is expanding rapidly and it has not been possible to ring-fence the civil side. That matter needs full review and we could talk about it for hours on end, but it is important for the Government to consider it carefully to ensure that that network of organisations that struggle for funding is not compromised by being squeezed in that way.

It is also important that the referral system, to which the hon. Member for Ogmore referred, is right. In the 1970s, I was a member of the committee of the Free Representation Unit, which the hon. Member for Kingston upon Hull, North mentioned. We received referrals from organisations, but the network was patchy. It is better now and the organisation has grown like Topsy; it has caseworkers as well as trainee lawyers and is doing very well. However, we need to ensure that there is a proper pipeline so that people who ask for advice from citizens advice bureaux, community law centres or somewhere else have access to the type of services provided by FRU, the Bar pro bono unit and the solicitors pro bono unit. We need to look at referrals.

Much has been said about trade unions. It is right to give credit to trade union representatives at tribunals. At the early stages, much sane advice is often given at the right time, but trade unions could do better. It has been said that a large number of people are never offered the opportunity to join a trade union. One or two Members blamed employers, which I thought was a bit rich, but trade unions could do much more to explain to potential members the services they offer and sell themselves a bit. In the mid-1990s, when I was a member of the Employment Select Committee, trade unions carried out a survey in docklands, asking employees whether they had ever been approached to join a union. It turned out that only about 13 per cent. had ever been asked. It was said at the time that unions spent on average 10 times more on their annual conferences than on membership.

Mark Tami: As the hon. Gentleman pointed out, it is important that people have access to trade union membership and I certainly want them to join, as there are many benefits. People often appear in droves wanting to join a union after something happens—for example, if an employee has been sacked, has problems at work, has assaulted a colleague at work or something similar. I notice that the hon. Member for Shipley (Philip Davies) has left the Chamber—perhaps he has gone to join a trade union. People need to have access to a trade union, and although good legislation is in place, in some cases employers are still putting pressure on employees not to join and certainly not to become active in the trade union.

Mr. Heald *rose—*

Mr. Deputy Speaker: Order. I remind the hon. Member for Alyn and Deeside (Mark Tami) that interventions should be short, especially when they are frequent.

Mr. Heald: I am grateful, Mr. Deputy Speaker. Violence in the workplace is a terrible thing.

I certainly am not suggesting that employers should actively manoeuvre to prevent employees from joining a trade union, but it is a choice. If unions want people to join and to know about the services they offer, which in the case of tribunal representation are good, they should get out there and sell themselves. Many forward-thinking trade union leaders share that view and it is time they did more.

To return to my comments about the rate of success of claims, I have looked at the effect on applicants and I want to consider the situation for employers. Where most cases fail, because they are either withdrawn or dismissed, we must not simply consider the effects on applicants. No company that is accused of discrimination can take it lightly, and much as I like the informal atmosphere of the tribunal, if a company is accused of discrimination, particularly if it has other workers from an ethnic minority or workers who might be in the same category of employee as those who have made the accusation, it cannot ignore it; it must take legal advice, in my view. So probably almost all the companies that are subject to claims that eventually fail or are withdrawn have employed a lawyer, and have gone to a great deal of trouble to investigate the case, to be ready for a hearing. These are amazing burdens on business.

Obviously, if we can have more cases that are accurately targeted and fewer that are not, it would be a good thing, but we must think carefully about the likely impact of setting up a board to hand out legal aid without any merit test, particularly as it would, I believe, have the effect of creating a surge of claims. I also think that it would be bad to undermine the existing arrangements, with that tracery of small bodies across the country that are providing advice services already. Every penny that is spent on the new quango and its work, including the salary of the chairman and other appointments, will be taken out of the budgets of the organisations that are already doing the job.

So there is no doubt in my mind that this is not the way forward. The way forward is to review the law of discrimination to see whether we can make it simpler, which would help businesses and individuals, and to look at how we can provide these free services across the country, in a better network with proper referrals.

The point that was made about accreditation and clause 4 is important. It is pointless to accredit organisations as suitable to do advice work if one does not then stipulate that only accredited bodies may provide the service. It cannot be right to state, as the Bill does, that any body may be appointed, and that even if accredited bodies apply they can be ignored—as is stated in clause 5(5)(b). If we are saying that accredited bodies will be an important part of the new set-up, they should be doing the work.

I consider that the whole exercise of accreditation and of setting up a bureaucracy and, in effect, licensing these organisations will be bureaucratic and costly, not just for the board but for all these organisations—a point that was made by my hon. Friend the Member for Forest of Dean (Mr. Harper). I would not adopt that bureaucratic approach.

It would also be a pity if the effect of the Bill was to make the tribunals a more formal battleground. If more and more organisations were to be funded and were taking cases to the tribunal, which I think would be the consequence of the Bill, employers would have to respond, so we would end up with a much more formal type of proceeding.

The solution is therefore something of a Band-Aid solution and not one that I would choose, but I do think that this area needs looking into. Article 6(1) of the European convention on human rights has been mentioned, which of course requires a fair trial, but I would contend that the balance that we currently have, of dealing with the cases that really break new legal

[Mr. Heald]

ground through the commission approach or the exceptional case approach, allied with the tracery of small bodies around the country—the FRU, the citizens advice bureaux and so on—means that most people should be able to get access to the help that they need, although we should build on the referral process and improve it.

Organisations that represent employers are concerned about the Bill. The CBI has said that it would be a further avenue to bring claims, and is worried about the effect on small business. The Institute of Directors has talked about a surge in cases, entailing further costs on business.

The Bill would give a blank cheque to the board to pursue cases in whatever way it wants, with the Lord Chancellor having to give the new body whatever money it asked for. I cannot think that that would be welcomed by the Paymaster General—*[Interruption]*—who is sitting on the Front Bench with her Treasury hat almost on. I am interested in the fact that the right hon. Lady is here. She must be worried about the proposal that the Lord Chancellor must spend whatever the new board wants on such work. Rather than creating a new quango and a lot more opportunities for lawyers, let us reform the law, build on the current system and retain the concept of an informal, accessible tribunal system.

1.30 pm

Lyn Brown (West Ham) (Lab): Like many hon. Members, I fully accept the principles behind the Bill. There is absolutely no place in today's society, which wants to call itself decent, for allowing discrimination of any kind to continue unchallenged. The promotion of equal opportunities at work and in the community and the elimination of discrimination on the grounds of race, gender, sexuality, disability, age or creed should be two of our core aims—the core aims of government and all those who are party to it. There is considerable evidence from all quarters—the Commission for Racial Equality, the Equal Opportunities Commission, the Disability Rights Commission, academics, the trade union movement, and the Government's own research—to show there is still an awful lot to do to overcome discrimination.

Evidence shows the slow progress that we have managed to achieve so far, with the gap between white and non-white participation in employment and with higher unemployment rates and associated links to deprivation. Indeed, my constituency has the lowest employment rate in the country. Even some 30 years after the Equal Pay Act 1970, the pay gap between men and women still stands at 18 per cent. and even more for those who are part-time and undertaking a caring responsibility. Of course that is why the Prime Minister recognised the need to establish the women and work commission, which is examining the barriers that women face at work, in training opportunities and because of their often less-than-equal pay compared with male comrades. The fact that disabled people have for so long faced not just physical but social and cultural barriers has been recognised in legislation, which now needs the teeth to make it work. Age discrimination continues, whether against the young or the more mature. All such discrimination affects people not just at the personal level, but also in their contribution to the economy and in their interaction with society at large.

It is shameful that, in the 21st century, we still have discrimination in the workplace—whether unconscious or blatant—from colleagues and employers, or caused by how the organisational structures operate, but those problems are known and action is being taken. Progress may be slow, but it is definitely speeding up now. Many employers are exemplary and ensure that their structures, policies and procedures support equality at work and leave little or no room for discrimination. When discrimination is found, they often have good processes to deal with it. But there are also many employers who, left to themselves, would do little or nothing to ensure that discrimination does not occur. In fact, some of them do not even understand, or make an effort to understand, that discrimination even exists in their workplaces or that they have a responsibility to eradicate it.

There is no doubt that current discrimination legislation is complex, potentially costly and time-consuming. It is confusing and inconsistent, and it relies on those suffering discrimination to take the responsibility for tackling that discrimination after the event, rather than encouraging organisations to prevent the possibility of discrimination in the first place. The only exception is the duty on public sector bodies to promote race equality, which I hope will soon be joined by a duty to promote sexual and disability equality. But let us be clear that any burdens are not just on employers but on workers, who have often felt strongly enough, or been forced by financial difficulties, to overcome the barriers that they face to seek some form of redress, who have often overcome stressful processes before they get to tribunal in taking their concerns through internal grievance procedures, and who almost definitely did not set out to bring themselves to what, in effect, is a courtroom to be quizzed in what is becoming an increasingly difficult and litigious way, and who still face a comparatively low success rate at tribunals.

Yes, there are increases in the number of discrimination cases being registered, but mainly in the areas of sex discrimination and equal pay. There is a reason for that. Women are becoming increasingly aware that unequal pay for equal value is against the law, so they are rightly claiming their due. It is not easy for others who face discrimination. They still face low success rates, because it is difficult to prove not only that a worker has suffered detriment, but that the detriment was because of the discrimination. We should also realise that the rising number of cases still reflects only a fraction of those employed and those who experience difficulties at work, but do not take a case to a tribunal.

I can see why colleagues are drawn to the Bill. The system is not easy to understand and some people have to contend with it on their own. With the diminishment of collective rights over the 1980s and 1990s, 70 per cent. of today's employees do not have the support of a trade union, which means that the employees who are most likely to be dismissed or suffer unfairness at work are least likely to have the support at an employment tribunal. Therefore bringing forward proposals that appear to support individuals in their claims at tribunals seems just and fair.

I do not support our hon. Friends who suggest that we will be encouraging a compensation culture. After all, if no wrongs have been wrought, there will be nothing to be compensated for. There may be fears that increasing numbers of cases are being brought by employees wishing to make money from the system, but these fears are hardly borne out by the amounts generally awarded in costs. Employers should look to themselves to institute good practices and to avoid the process itself.

Mr. Forth: I am bit worried about the phrase that the hon. Lady has just used. She said that if no compensation is paid, that is all right. Surely the whole point about the phrase the "compensation culture" and the debate about the Bill is that, in encouraging people excessively to make claims, to lay blame or to seek compensation even if they fail, we add burdens to the judicial process, the business community and so on. That is the problem on which we must remain focused. Her Government, her Prime Minister and her Chancellor of the Exchequer repeat over and over again the need for us to remain competitive. If we do not keep a close eye on this sort of thing, it will run counter to that aim.

Lyn Brown: I thank the right hon. Gentleman for that point. The point that I am attempting to make—and perhaps have made badly—is that if one has suffered a wrong, one deserves compensation for the wrong that has been wrought. I accept that we need to be competitive in business, but I also believe that one of the things that we have not covered today is the fact that people who have been wronged deserve compensation. We need to find a way of ensuring that they receive that compensation. I am sure that Members on both sides accept that there were wrongs in the cases that my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) described. In such cases, compensation needs to be paid.

There have been suggestions in the debate that those suffering discrimination do not deserve representation, advice or assistance and that this Bill is political correctness gone mad. Again, I do not subscribe to that belief. I have seen references in the media to vexatious claims, but such assumptions are a reflection of attitude, not fact.

I do not believe, however, that the Bill is the right way forward. It is built on the supposition that, with legal aid not available to workers in employment tribunals, workers are left with little support outside themselves. That is just not the case. Whereas there is no provision of financial help for representation in employment tribunals, there is support from a number of bodies—the equality commissions, legal advice services and no win, no fee lawyers—even though there are clearly difficulties with such avenues.

The role of ACAS in dispute resolution in workplace processes cannot be ignored, and I have used its services successfully on a number of occasions and, in particular, in support of a small business in my constituency. What this Bill intends to do is create another body to help fund discrimination legal cases. This would be in addition to the intended new single equality body, the new commission for equality and human rights whose remit includes funding strategic cases and contributing to the simplification of discrimination law. The possibility for confusion would be obvious, because the tribunal representation and assistance board would cut across beneficial strategic planning. Increasing funding for both current and new equality bodies would be better than establishing a new board at this time. It would also be better to support the legal aid service. I concur wholeheartedly with the principle behind the Bill—the protection of the vulnerable at work—but I cannot agree with the remedy that it offers.

1.40 pm

Kerry McCarthy (Bristol, East) (Lab): I affirm my support for the principle of fair access to justice, which the Bill tries to promote. I also accept, unlike several Conservative Members, that there is widespread discrimination in British society—sometimes to a shocking extent. Ensuring that people have fair access to justice is a crucial element of the drive to tackle that discrimination. However, I am not convinced that the Bill would be a means to tackle the problem.

Mr. Harper: It is clear from successful tribunal cases that people suffer discrimination in the workplace to some extent, but can the hon. Lady cite any evidence for her assertion that there is an enormous or shocking amount of discrimination in British society?

Kerry McCarthy: Several hon. Members, especially my hon. Friend the Member for Bradford, West (Mr. Singh), cited cases that have been brought that give us concrete evidence that discrimination exists.

I accept that some cases that get to tribunal should perhaps not have got all the way there. There has been a marked increase in the number of discrimination claims made over the past five years. Some 83,500 claims were brought in 1999–2000 and although the figure for 2004–05 rose to just under 147,000, the total number of successful claims barely increased. The number of sex discrimination cases that have been dealt with has jumped from 3,809 in 1999–2000 to 16,211 in 2004–05. Some 12,500 more cases have been considered, but only 66 more have been successful. Something is clearly wrong with the system at the moment.

Why are so many discrimination cases failing? Some of my colleagues would suggest that it is due to poor representation and that the Bill would thus be a way of addressing that problem, while some Conservative Members have suggested that it is because the cases are fundamentally ill-founded. Before we consider setting up such a body as the tribunal representation and assistance board and funding access to justice in the way proposed in the Bill, we need to investigate more closely why such claims are not successful.

Hon. Members have already pointed out that clause 3 would mean that the Lord Chancellor would be expected to write out a cheque to meet whatever the estimate of the board's financial needs might be. The Bill is inherently optimistic because it says that the Lord Chancellor would be expected to provide

"an amount that is equal to or greater than the total funding needs of the Board".

It is difficult to envisage a scenario in which the Lord Chancellor would choose to pay more than he had been asked.

[Kerry McCarthy]

There is no way of assessing what the Lord Chancellor would be asked to pay because there are no means-testing provisions in the Bill. There are pretty much no merit-testing provisions either because not only accredited bodies, but non-accredited bodies, may be funded. It is difficult to understand why the principle of means-testing does not apply to the Bill because it seems to chime perfectly with the Labour party principle of targeting the most help on those who need it most. Means-testing applies to other forms of legal assistance, so why does it not apply to the Bill?

Two recent high-profile cases demonstrate my point. Elizabeth Weston, who was a solicitor earning £60,000 a year at Merrill Lynch, took the firm to court for a discrimination claim and was awarded £1 million in an out-of-court settlement. Perhaps I should declare an interest because I used to work for Merrill Lynch, although I had no grounds to think about taking out a claim against it. Elizabeth Weston was quite capable of representing herself at the hearing and paying for legal advice, but she would have been entitled to free legal advice under the Bill. An executive at Merrill Lynch who earned roughly £1 million a year also took the company to tribunal, although she lost her sex discrimination case. Are we really saying that someone like that should be entitled to free help and legal representation? I do not understand the justification for that.

Mr. Harper: On the subject of means-testing, clause 12(4) specifically rules out anyone being eligible for help if they are receiving assistance from a trade union in connection with the complaint, but still allows help to be given if someone is getting help from another source, such as a solicitor or a citizens advice bureau. As the hon. Lady says, it does not mention finding out whether someone has means themselves.

Kerry McCarthy: Exactly. The escalation of costs under the scheme could be phenomenal; there is no way of predicting what they might be. As other Members have said, costs would also be involved in duplicating current processes. For example, the Legal Services Commission already has the role of awarding quality marks, not just to private sector firms but not-for-profit organisations involved in giving advice on employment law. There would be duplication of those resources, and two bureaucracies assessing people, which might be doing exactly the same sort of work.

Above all, there is a problem with the timing of the Bill. We need to examine discrimination in the context of inequality. For example, only 57.3 per cent. of people of working age from the black and minority ethnic communities are in work, compared with 75.5 per cent. of whites. We could say that that was a clear case of discrimination, but we could also say that there are many other factors affecting those communities: 67 per cent. of people from the black and minority ethnic communities live in the 88 most deprived wards and there is economic and social deprivation, low educational achievement, cultural factors, limited employment opportunities, health inequalities and language issues. All those factors have contributed, and we have to consider them all in the round; we cannot just assume that discrimination is to blame.

The Government are now carrying out a fairly comprehensive review of equality and discrimination law. The Equality Bill, which is going through the House of Lords, will establish a single commission for equality and human rights. There is also the discrimination law review, which is working towards single equality legislation. The Government had a manifesto commitment to bring in a single equality Act, which I understand could come before Parliament in 2007. They have also set up an equalities review, examining the underlying causes of inequality. It is chaired by Trevor Phillips, and will report to the Prime Minister in 2006. We need to put some of the points in the Bill on hold, until we have examined the underlying issues of inequality. Perhaps if we start to address some of those, we will not need to fund so many discrimination cases.

1.47 pm

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): I thank my hon. Friend the Member for Bradford, West (Mr. Singh) for introducing the Bill. It has created a tremendous opportunity for the House to discuss a fundamental issue, and there have been some good comments from both sides of the House—although one Conservative Member made some rather concerning remarks. No doubt they will come back to haunt him.

Although I am grateful to my hon. Friend for introducing the Bill, I have some concerns about it. It covers free legal advice and representation, assistance, leaflets and whatever other help people may need for tribunals dealing with race, sex or disability discrimination. However, there are an awful lot of other issues out there, such as bullying in the workplace. That is a huge issue, and I am told by colleagues who deal with employment matters that it is difficult to take such cases forward, and to achieve recognition for them—although there are now some initiatives on that subject, such as the dignity at work partnership, which is part-funded by the Department of Trade and Industry.

One of the criticisms of the Bill is that it is too narrow, and could have had a wider scope. I am grateful to hon. Members who have talked about sending out a message about joining trade unions. I am particularly grateful to the hon. Member for North-East Hertfordshire (Mr. Heald) for repeating that message, and, if I understood him correctly, endorsing the idea that people should join trade unions. It is incumbent on hon. Members and the trade union movement to present the importance of the movement and what membership can do for people in such circumstances.

Equally, comments were made about the business community and its difficulties in dealing with employment-related matters. The partnership in Yorkshire and Humber is informing and educating small businesses and medium-sized firms, and is an example of good practice. As I said, it harms everyone—the employees and the good employers who take their responsibilities seriously—when a bad employer is involved in sharp practice. It is incumbent on employees and the business community to ensure that bad practice is dealt with appropriately and stamped out.

The debate has been impressive. As hon. Members said, there is much duplication in the Bill in terms of both material and organisations. The hon. Member for

Forest of Dean (Mr. Harper) made some good comments on schedule 1. The tribunal representation and assistance board would not be a Government body, but a separate stand-alone organisation, and the powers awarded to it are of concern.

Paragraph 2(2) of schedule 1 sets out that

"at least one of the members of the Board appointed by the"

commission for equality and human rights

"is a disabled person or a person who has a disability."

That does not go far enough. Why only one member? Why not extend that condition? Why not prescribe other groups? The Bill is not designed to be just about people with disability. It should be more wide ranging. It says:

"The Commission for Racial Equality shall appoint one member of the Board",

and so on, but there should be more prescription because there is a lack of clarity about some of the board members.

In terms of disqualification, the Bill says much about people who are subject to bankruptcy orders, but what about someone who has been barred from being a director? What about someone whose background suggests that their character is such that they do not agree with employment law? Would that be a good or bad thing? Should we specifically require someone to be on the board who has a contrary view about employment legislation so that the opposing argument is put?

Mr. Kevan Jones: That is an excellent idea. May I suggest the right hon. Member for Bromley and Chislehurst (Mr. Forth) or, even better, the hon. Member for Shipley (Philip Davies)?

Mr. Flello: I thank my hon. Friend for that interesting intervention.

If someone with a contrary view were on the board, appropriate checks and balances would need to be in place to ensure that his views were listened to and that he did not have undue influence on something that is designed to benefit those who are most in need of it.

On schedule 1, my hon. Friend the Member for North Durham (Mr. Jones) referred in an intervention to remunerations and pensions being of a figure that the "Lord Chancellor may determine". What if the Lord Chancellor thinks that the entire proposal is far too costly and determines that the remuneration of the board members shall be nothing? The chairperson and the various board members may decide that they no longer wish to serve on such a board. Is there scope for a tribunal then to examine the terms and conditions of the board? There is much concern about the schedule.

Clause 2 deals with the "Principal duties and functions of the Board". Subsection (1) states:

"The principal duties of the board shall be to ensure that assistance and representation are . . . available"

in various circumstances. There is the possibility that duties that are already being carried out efficiently may be duplicated. An employee may have far too many avenues available to him. Confusion could arise and the employee may be done an injustice in that he does not realise that the avenue that he should be taking is the one that he has chosen not to take.

Clause 4 deals with the "Accreditation and monitoring" of bodies and the "provision of assistance". I understand that a quality mark applies to about 11,000 organisations, including solicitors. As has been said, there is an issue whether there is a need for yet another separate exercise of accreditation when organisations already bear the relevant quality mark and can already be picked up on it.

Some hon. Members have voiced concerns about the terms of the financing and funding of the board and its activities and I share those expressed about the blank-cheque approach. I would prefer that the money that is sought through the Bill was obtained through existing funding structures and directed into legal aid and the excellent northern complainants aid fund. Those aid arrangements should be funded as an alternative to the Bill.

Much has been made about the possibility of a lawyers' banquet. I think that it was reported a short while ago outside this place that a legal aid barrister had managed to rack up the first £1 million in funding through the legal aid system. Are we to transfer vast sums that are used to good effect now by other organisations that are funded through the Lord Chancellor's Department into a system that funds lawyers?

It has been said that companies that go before employment tribunals automatically take with them a lawyer—a solicitor or a barrister, whoever they feel is appropriate. It was almost suggested—I would not want to put words into the mouth of the hon. Member for North-East Hertfordshire—that it is all right for companies to do that but not, in some circumstances, for an employee. In moving along the lines of giving employees equal representation, companies will bring out a larger battalion to sit alongside the representative or representatives of the employee. That risk or danger is not necessarily addressed by the Bill and could perhaps better be addressed outwith it.

Mr. Heald: In a discrimination case there is a reputational risk for employers. It is likely that they will employ lawyers whether they need them or not. I am all in favour, as I think I indicated, of employees or applicants who need good representation getting it. I am saying that there are existing bodies that are capable of providing that.

Mr. Flello: I am grateful for that intervention. I do, dare I say it, agree that there are bodies capable of providing that representation. I was concerned by the suggestion that there would one-upmanship throughout the process, and that could be better addressed by other means.

I took the liberty of speaking to colleagues and friends from the trade union movement who represent employees at employment tribunals. They harked back to the days when, I think someone said, their mum could have gone along to a tribunal and effectively stated her case, represented herself and been heard, helped and encouraged by the tribunal to give evidence and get to the bottom of the case. It was in some ways better to be unrepresented and unassisted. People had a better hearing and better consideration of their case if they went along without a solicitor in tow.

[Mr. Flello]

Moving through the Bill, I turn to clause 4, on accreditation and monitoring. There is, again, duplication about the quality mark and the work of the community legal service. When Government policy seems to be about minimising the numbers of those who are not at the coalface, the point of delivery of the service, and trying to move more funding into service delivery, we are at risk of creating a body that does exactly the opposite and draws resources away from the point of delivery, albeit for the best of reasons.

Let us consider what information is readily available. I spent a few moments last night looking at what information is available from the community legal service; I mentioned some of that in an intervention. Its direct information leaflet No. 18, "Rights for Disabled People", helpfully explains what employees should do about discrimination at work and what routes are available to them, including employment tribunals. It also answers questions such as "Who will pay for my case?" Other hon. Members have made the point that there are already mechanisms in place to ensure that test cases, which may push the boundaries of the law, are properly heard.

My hon. Friend the Member for Bradford, West is right to bring the Bill before the House, and I am grateful to him for doing so because I have learned an awful lot today. I hope and expect that the Government will accept the spirit and intention of the Bill. We should all, after this debate, be pressing the issues that have been raised.

2.3 pm

Mr. Kevan Jones (North Durham) (Lab): I congratulate my hon. Friend the Member for Bradford, West (Mr. Singh) on winning first place in the ballot and introducing this private Member's Bill today. Having successfully steered the Christmas Day (Trading) Bill through the House last year, with the assistance of the right hon. Member for Bromley and Chislehurst (Mr. Forth), I know how much work has to go into preparing for these Fridays and ensuring that people are aware of the Bill before it reaches the Floor of the House.

Mr. Singh *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and negatived.*

Mr. Jones: Like many colleagues who have spoken, I sympathise with my hon. Friend the Member for Bradford, West because he is a passionate advocate of the cause against discrimination, and he should be supported in that. However, unfortunately, I cannot support the Bill as it stands. I was going to go through the Bill, but the hon. Member for Forest of Dean (Mr. Harper) did an excellent job of doing so clause by clause. He raised a lot of fundamental problems with the Bill. We saw there the future of the Conservative party. That contribution must have been a relief to the Conservative Front-Bench team following the contribution of Mr. Gradgrind, the hon. Member for Shipley (Philip Davies), which was ill informed and plainly wrong on occasions. He told the House that he had worked for Asda. All I can say is that his election to the House is Asda's gain and this House's loss.

Another reason that I have reservations about the Bill is to do with the way tribunals work. For many years, for my sins, I practised, not as a lawyer, but as a trade union official in tribunals in Newcastle. I found it sad that, over the years, many lawyers and barristers came before the tribunal who frankly were not needed. It appalled me that sometimes large multinational corporations employed lawyers for the simplest case, which was offputting for a lot of applicants, but welcome from my point of view, as it used to irritate many chairmen who did not like being told by a top London barrister about points of law.

Mr. Heald: Does the hon. Gentleman agree that many of the barristers came from the chambers that the Prime Minister was in?

Mr. Jones: I do not think I ever came across a barrister who was from those chambers. The fact is that tribunals were set up to be a simple way of considering disputes. Older colleagues in the trade union movement have told me that, in the 1960s, tribunals were exactly that: people got around a table and discussed the case or injustice. Unfortunately, this Bill would lead to many more lawyers being engaged and the legal profession having a banquet, as my hon. Friend the Member for Stoke-on-Trent, South (Mr. Flello) said.

The Government have taken some sensible measures to make it easier to get justice, but at the same time to stop the frivolous and vexatious cases. It is sad when there is a contribution in the House by someone who clearly does not understand the present system and has no knowledge of it. The hon. Member for Shipley made comments on the compensation culture and frivolous and vexatious cases as though he were talking in a local golf club bar. The important thing is that the frivolous and vexatious cases will not get to an employment tribunal. Processes have been put in place to involve ACAS and to ensure that employers and applicants have to go through the grievance procedure before they can take a case to a tribunal. It is right to try to get the case resolved at the workplace. That has to be welcome.

I congratulate ACAS, which does a fantastic job advising not just applicants but, increasingly—this is important—firms about their procedures, bringing them up to date. From my experience, if an employer had good disciplinary procedures in place, they would never end up in a tribunal.

The worst ones I dealt with were working men's clubs, whose chairmen were often trade unionists: they were Arthur Scargill during the day and Margaret Thatcher at night, when they went into the club committee room. If the right procedures had been followed, many of those cases would never have ended up at a tribunal.

Trade unions play a vital part in giving free legal advice but they are not the only option. I would not want to set up, as the Bill proposes, an expensive organisation that cut across a raft of organisations that are doing a good job—reference has been made to citizens advice bureaux and law centres. If one has to get a lawyer to go before a tribunal—I certainly would not recommend it unless one had to have one—there are

ways in which to fund that. For example, conditional fee agreements limit the costs and allow people to get legal redress.

I am aware that there are more complex cases, such as sex or disability discrimination cases, which need input from the legal profession, and I acknowledge that there are gaps in provision and people who cannot get access to legal aid, but we need to examine that problem rather than invent an expensive new organisation. If the Bill were passed in its current form, we would need a lorry load of smelling salts to bring round the Chancellor of the Exchequer after he had realised its implications.

I congratulate my hon. Friend the Member for Bradford, West on introducing the Bill. Unfortunately, I cannot support it, because I believe that it would make the situation worse, not better.

2.10 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): I begin as other hon. Members have by congratulating my hon. Friend the Member for Bradford, West (Mr. Singh), first, on coming top of the private Members' ballot—an ambition held by us all at some point in our careers in Parliament, but realised by only a few—and, secondly, on bringing the issue of employment discrimination to the House for debate today. The principle of removing discrimination is one that we all support—perhaps with the exception of the hon. Member for Shipley (Philip Davies). My hon. Friend the Member for West Ham (Lyn Brown) made a passionate speech in which she outlined the importance of removing discrimination in the workplace and explained precisely why we should all work to achieve that.

First, let me respond to some of the concerns raised by my hon. Friend the Member for Bradford, West in his opening speech. He said that he was concerned about cost and suggested that it cost between £15,000 and £45,000 to take forward a discrimination case in London. According to the Department of Trade and Industry survey of employment tribunal applications, however, the average legal costs of those complainants who paid for advice and representation in discrimination cases amounted to £4,433.

Mr. Harper: The Minister helpfully clarifies the costs for those who brought a case to an employment tribunal. Does she have the equivalent figures for the amount spent in those cases by the defendants, so that we can see the total cost of bringing and defending a case?

Bridget Prentice: I do not have those figures to hand, but if they are available I shall make sure that the hon. Gentleman has sight of them.

My hon. Friend the Member for Bradford, West voiced concern about the success rate in pregnancy cases and gave some harrowing examples. The Equal Opportunities Commission conducted a review of the employment tribunals in 2002–03. As my hon. Friends the Members for Stoke-on-Trent, South (Mr. Flello) and for North Durham (Mr. Jones) pointed out in their exceptional speeches, the success rate for women who represent themselves compares favourably with the rate for women who are represented: approximately 53 per cent. of unrepresented women were successful, compared with 50 per cent. of those who had a barrister in tow and 47 per cent. of those who had a solicitor with them.

My hon. Friend the Member for Bradford, West was asked by my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) about the views of the Disability Rights Commission. The DRC has said:

> "While being strongly supportive of the principle of equal access to justice for all, we are not sure that this Bill is necessarily the best means of tackling the current barriers to justice. Moreover we are concerned that it proposes removing funding from the future Commission for Equality and Human rights and the Commission for Racial Equality to help fund the proposed Tribunal Representation and Assistance Board."

The same point was made forcefully by a number of my hon. Friends and by Opposition Members.

My hon. Friend the Member for Bradford, West asked about the situation in Scotland. In an intervention on the hon. Member for Argyll and Bute (Mr. Reid), I made it clear that not only is legal aid granted for employment tribunals in Scotland in very limited circumstances where there has been a breach of article 6 of the European convention on human rights, but in England and Wales we have a similar test for exceptional funding. That provision goes further than the Scottish one, because it allows for cases with a significant wider public interest to be funded.

Mr. Reid: Under Scottish legislation, the Legal Aid Board is allowed to take into account the applicant's inability to present their case because of, for example, age, inadequate knowledge of English, mental illness or other mental or physical disability. Does the legislation in England and Wales also permit that to be taken into account?

Bridget Prentice: I am pleased that the hon. Gentleman raised that. Not only does the exceptional funding regime allow for that, but it is specifically intended for people who would for any reason be incapable of bringing the case on their own, so they are very much included in the regime.

My hon. Friend the Member for Bradford, West suggested that citizens advice bureaux would not be able to represent people. We know that in 7 per cent. of cases citizens advice bureaux do go along and represent people. He was concerned, too, about legal advice deserts. A number of my hon. Friends made positive and welcome comments about the community legal service. I am delighted that so many people have had access to its website.

Today's debate has given us an opportunity to bring to the attention of the House and the wider public the excellent work that the community legal service is doing. Let me provide some figures for the new ways in which it is delivering advice and assistance. Through the internet there were 500,000 visits to CLS Direct last year. The community legal service has taken more than 200,000 telephone calls, including 22,000 specialist acts of advice and assistance by telephone. It continues to monitor provision closely and to ensure that quality provision is available across the country.

My hon. Friend argued, rightly, that advice and assistance should be available to the most disadvantaged. He suggested that his Bill would be the way forward in

[Bridget Prentice]

that, but I can only endorse the comments of my hon. Friend the Member for Bristol, East (Kerry McCarthy), who provided examples of how people who were very wealthy by any standard would fall within the remit of the Bill, contrary to the aims of legal aid.

Mr. Heald: One issue has troubled Members of all parties. Given that most discrimination cases fail—they are withdrawn or they are dismissed at the tribunal—does the hon. Lady have any information about whether that is because applicants do not have the legal representation that they need to pursue the case properly, or because the cases are of poor quality? If she does not know the answer, will she have some research done? It is important to know why discrimination cases are not succeeding.

Bridget Prentice: The hon. Gentleman makes a valid point. There are a number of reviews. In particular, the Department of Trade and Industry constantly reviews the way that employment tribunals go about their work. One of the strengths of the system is that cases that have no merit do not get to the table in the first place. Pre-tribunal scrutiny allows vexatious and frivolous cases, which the hon. Member for Shipley suggested happen all the time, to be sifted out, so that they do not happen all the time. However, the point was made that we need to look at why cases do not succeed—an issue that the Government want to consider on an ongoing basis.

As I said, my hon. Friend the Member for Bradford, West expressed concern about legal advice deserts, and I should point out that from this March onwards some 238 organisations—164 solicitors and 74 law centres and citizens advice bureaux—have been specially accredited by the CLS to provide advice and assistance in employment matters. There are also 26 employment tribunal hearing centres throughout the country. So through the current spread of advice and assistance—the hon. Member for North-East Hertfordshire (Mr. Heald) described it, rather beautifully, as a tracery—we are trying comprehensively to cover the country. Of course, we always want to do more.

Mr. Paterson: Why, in the Government's view, has the total number of discrimination claims increased from some 8,000 in 1999 to just under 28,000 in 2004? Moreover, why do there appear to be such a large number of weak claims? Claims relating to sex, race and disability succeeded in only 28, 15 and 29 per cent. of cases respectively.

Bridget Prentice: One explanation—it is based purely on anecdotal evidence—is that people are more aware of the existence of tribunals, and that they also perhaps feel that there has been an increase in discrimination. Reviews need to take that point into account. However, as my hon. Friend the Member for West Ham said, many employers—whether they are taken to tribunal or not—realise when mistakes have been made in the workplace and address them before the tribunal stage is reached.

My hon. Friend the Member for Bradford, West also asked what access to justice means. It means that when people need help, there are effective solutions that are proportionate to the issues at stake. In some circumstances that will involve going to court, but in others that will not be necessary. It is in no one's interest to create a litigious society. The hon. Member for Shipley went on at length about vexatious cases, and I should point out that this country does not have a compensation culture, and that we intend to ensure that we do not create one. People must make responsible decisions about whether a case is worth pursuing, about whether to proceed by negotiation, court action or in some other way and about how far to take what might be a relatively minor matter.

When the hon. Member for Shipley made his observations about the compensation culture, he was responded to very expertly by my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson). The Government are developing legislation to tackle the perception of a compensation culture, and tightening the regulatory net around unreliable providers of poor advice, including employment advisers.

The House will be aware that the way in which justice is delivered in administration and in the workplace is already undergoing significant change. A new executive agency of the Department for Constitutional Affairs will bring together tribunals under one unified administration. The Government have announced their intention to introduce, when parliamentary time allows, legislation that will enable tribunals to use a range of dispute resolution methods. The employment tribunal system will become part of that new agency when it launches in April 2006. Until then, we are working with colleagues at the DTI as they review the current arrangements, in order to explore how we can make the employment tribunal system work better for the user.

The Bill does not take into account the Legal Services Commission's existing role in administering legal aid, and in ensuring that quality assured legal advice and assistance is available for those who need it in employment cases. As has been outlined, legal help is available. Legal representation can be granted in individual cases under exceptional funding arrangements. Full representation under legal aid is already available in cases brought before the Employment Appeal Tribunal.

My hon. Friend the Member for Ogmore (Huw Irranca-Davies) asked whether exceptional funding covered language and mental health problems. As I said to the hon. Member for Argyll and Bute, yes, it does. Part of the practice of the exceptional funding is to comply with article 6 of the European convention on human rights. Language and mental health will be taken into account.

My hon. Friend also asked what analysis had been made of current provision and I can tell him that the community legal service is undertaking a comprehensive review of its provision of advice and assistance. The consultation stage of that process will close this month. That is part of a wider Government strategy to provide a fairer deal for legal aid in order to tackle rising criminal costs and ensure the future of civil legal aid.

On the subject of costs, the hon. Member for North-East Hertfordshire, among others, talked about the open-ended nature of cost provision in relation to the Lord Chancellor. Several Members have commented on the fact that my right hon. Friend the Paymaster General is in her place. I assure the House

that she is not here to ensure that I do not agree to that particular part of the Bill. The Department for Constitutional Affairs would not agree to that part of the Bill, even if we were to agree to any of the rest of it. It is unacceptable for any Government Department to be asked to pay unlimited costs to a body that is undemocratic and unaccountable to Parliament. Furthermore, we are being asked to provide not just unlimited costs, but unlimited costs plus, as the Bill provides. I assure the House that although the Government are opposing the Bill as a whole, they would oppose it on that ground alone.

In the circumstances, the Bill's proposed board would represent a duplication of the Legal Services Commission's role, but limited to employment discrimination cases. I am pleased that several hon. Members have been supportive of the LSC's role. The establishment of a new board would be unduly democratic and disproportionate, and would inevitably increase the amount of taxpayers' money spent on administration, diverting resources from supporting individual cases.

Mr. Heald: Will the Minister say a few words about the burdens on business? Reasons connected with reputation oblige every employer to take seriously every case that is brought. Many cases are not pursued or simply fail, so does the Minister agree that the Bill could provide a further spur, which could result in a surge of new claims, building up the problem of the compensation culture that she mentioned? Will she therefore say something about the hard-pressed business community?

Bridget Prentice: I can tell the hon. Gentleman that we are very conscious of the position of hard-pressed businesses and that we do not want to increase bureaucracy or provide another layer of administration that would add further to the burdens. Equally, however, I believe that more bureaucracy also adds to the confusion and frustration for employees. The Bill would not result in a satisfactory conclusion for either side of business.

Tribunals should not require appellants to engage expert representation. The hon. Member for North-East Hertfordshire made a compelling case about the informal nature of the tribunal and a number of my hon. Friends who commented on the role of trade unions rightly argued that bringing a trade union representative along to argue the case was far more helpful—and, indeed, successful—than going down the legal, adversarial road that our courts system provides. If we reach the stage where a tribunal cannot deliver for its users without such arrangements, we shall have to look at the situation carefully. The more that tribunals become courts, the more we would lose the benefits of the tribunal structure and the value of the inquisitorial and informal approach that we have tried to achieve through that system.

The Bill attempts to meet challenges similar to those we are trying to overcome with the policies that we are implementing. The establishment of the board—

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 28 October.

Remaining Private Members' Bills

OCCASIONAL SALES BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 10 March.

EUROPEAN COMMUNITIES ACT 1972 (DISAPPLICATION) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 28 October.

INTERNATIONAL DEVELOPMENT (ANTI-CORRUPTION AUDIT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 28 October.

FOOD SUPPLEMENTS (EUROPEAN COMMUNITIES ACT 1972 DISAPPLICATION) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 28 October.

Police Cautions (Data Protection)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

2.31 pm

Grant Shapps (Welwyn Hatfield) (Con): I am most grateful for the opportunity to present this matter, which relates to one of my constituents but has wider ramifications across the nation.

On 12 March, a constituent in Welwyn, Mr. Rodney Bailey, was woken at 3 am when his car window was smashed by a youth who had thrown a rock through it. Fortunately, Mr. Bailey lives in the same street as a police officer who was off duty and immediately jumped out of bed and managed to capture the youth involved. The police were called and the youth was taken to Hatfield police station, whereupon he confessed.

Following Home Office guidelines, the police decided that as there was no previous record they would issue a caution to that individual. Mr. Bailey, who lives, appropriately, in Robbery Bottom lane, thought that acceptable as long as he could take some form of civil action to recover the moneys due as a result of the damage to his windscreen. Not unreasonably, he asked for the name, address and details of the offender, who had, after all, admitted to the crime. The police said that would be fine but that he would have to apply in writing. He did so, but the police then told him that they could not in fact release the information as it would contravene the Data Protection Act 1998.

In my view and, I am sure, that of many other people, the police should never protect a criminal against a victim whose rights have clearly been contravened. To stand in the way and prevent civil proceedings from being taken must be wrong, but such, it seems, is the law. There is a loophole in the legislation.

There are a number of exemptions to the Act, one of which comes close to the type of exemption required in this case—disclosure to courts in legal proceedings. One might think that would help the police in releasing the necessary information, yet it transpires that it applies when legal proceedings have already begun. If one does not know who committed the crime, how on earth is one supposed to take out a summons? That exemption would not work in this case. We must reframe the law to enable an individual to take action where the police know who committed the crime and the individual has admitted it but where the police are prevented from allowing the action to be taken.

The police eventually agreed to release the information. When Mr. Speaker was kind enough to grant me this debate, which resulted in full-page stories in the *Daily Mail*, the *Sunday People*, local television and other media outlets, the police decided that it would be appropriate to release the information. However, the chief constable, Mr. Frank Whiteley, did so against the specific advice of his own legal team. It must be wrong that, in order that an individual can take a case to court, the police force involved should be expected to go against its own legal advice. Surely there must be a problem in law.

There are, as I said, some exemptions, but none is satisfactory in this type of case. I strongly believe that a provision should be made for this type of case. One can imagine a number of scenarios. Perhaps it would be appropriate for a summons to be issued but for the person issuing the summons simply to refer the court to the police station and the reference number, so that the police can link up the numbers. I fully accept that there is a danger about which the police are nervous: they are concerned that the victim might take individual retribution—that they might go round to the person's house and take it upon themselves to take immediate action, and of course none of us wants that to happen. It does not take a great deal of imagination to envisage ways around that problem. One way could simply be to send the form for a summons to the court, for the court to apply to the police, and for the police to provide the name and address of the defendant direct to the court, so that at that stage, before the case comes to court, there is no need for the plaintiff—the victim in the case that I am talking about—to access the information.

You see, Mr. Deputy Speaker, there is a dichotomy here. Had the individual been charged—had the individual admitted to the crime, as he did, and had the case been taken to a criminal court in the normal way—the information would be public, and it would be simple for Rodney Bailey to issue a civil action and recover the money. The difficulty arises because of the dancing-on-a-pinhead issue of the caution being issued. As I understand it—I shall be interested if the Minister can tell me otherwise—a caution remains on a person's police record, so I see no reason why the victim in a case such as this should not be able to seek recompense.

I am sure that there are other, perhaps more creative, solutions. The police are in a very unsatisfactory position. Perhaps you might think, Mr. Deputy Speaker, that the police should be prepared to issue a caution as opposed to prosecuting, but only if the individual has already agreed to repay the money.

I understand that police forces up and down the country will be concerned about such a proposition. They do not want to put themselves in the position of debt collectors. I hesitate to call this plea bargaining because it brings with it all sorts of other connotations, but I do think that there should be a system in place so that if the individual is going to get off relatively lightly, with a caution rather than a full prosecution, it should perhaps be incumbent on the police to ensure that the victim is in some way in a position to seek compensation. It seems fair; it seems just.

You will be interested to hear, Mr. Deputy Speaker—I hope that the Minister will respond—the words of my own chief constable in Hertfordshire:

> "This legislation puts the police in a difficult position."

In this case, the chief constable had to go against the explicit advice of his own solicitors. It seems to me that after 15 years of Data Protection Act training, staff are now in a position where the idea that information cannot be released under such circumstances has become so bred in the bone that they fear for their job—their livelihood—if they release the information. It is easier not to release the information—to play safe—even when justice is clearly denied by so doing. We must get to the bottom of this situation.

I should be very interested to hear whether the Minister can propose some solutions. I suspect that he may well refer to some Home Office circulars on the subject. I am familiar with them. Home Office

circular 55/1998, which repeats circular 20/1988, says that the police can release information to the courts in the event of legal proceedings, but those circulars are overridden by the Data Protection Act and, indeed, by the Human Rights Act 1998. Again, they are only advisory, so the guidance can be trumped by all sorts of other laws and legislation.

We must get this case clarified so that the situation does not continue to arise. I am sure that the Minister will be interested to hear that, since I raised this matter in the national media, I have been inundated from people throughout the land who are in exactly the same position and have found it impossible to seek justice because the police feel that they would break the law by releasing information on whom the criminal was in any instance. Surely, that must be wrong. I call on the Minister to look again at the situation, perhaps to consider amending legislation very much with the idea that it should be formed on the basis of protecting the victims, not of putting the police in the position of defending the criminals.

2.42 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I congratulate the hon. Member for Welwyn Hatfield (Grant Shapps) on securing this debate, which it has given him an opportunity to speak about the understandable concerns of his constituent, Mr. Bailey, and a chance for me to explain how the Data Protection Act 1998 was applied in this case and to outline the overall policy on police cautions and data protection.

The offender in this instance was a juvenile, as we have heard, and it might be helpful in setting the context for this case if I say a little about the principles underpinning the youth justice system and the many factors that need to be taken into consideration before determining how best to deal with a young person who has broken the law. Those factors include the circumstances of the offence and the juvenile's offending history. A young first-time offender with no previous convictions is usually eligible for a reprimand. With a second offence, he can be given a final warning. With a third offence, he is likely to be charged. Of course, depending on the seriousness of the offence, the young person may be finally warned without receiving a reprimand, or even charged without first receiving a reprimand or a warning.

The system of dealing with young offenders by way of pre-court intervention was established by the Crime and Disorder Act 1998, which made it clear that the main purpose of the youth justice system is to prevent offending by children and young persons. In deciding how to proceed under the scheme, the police are guided by a system drawn up by the Association of Chief Police Officers and the Crown Prosecution Service which classifies offences according to their seriousness, thus helping consistency in decision making.

I want to make it clear to the House and, in particular, to the hon. Member for Welwyn Hatfield and his constituents that, although the final warning scheme involves a pre-court intervention, it is most certainly not a soft option. To be eligible for the scheme, the young person must first admit guilt, which can be quite a step for a very young person. He must accept personal responsibility for what he did. He must know why it was wrong and the effect that it had on the victim. In most cases, he must do all that with his parents present in a meeting run by a police officer. It can, therefore, be a real challenge and it would be wrong to underestimate the impact of this approach. Indeed, in many cases, it is sufficient to prevent further offending, which, as I said earlier, is the main aim of the 1998 Act. It provides an opportunity for the young offender to learn from their mistake and gives them an opportunity to keep out of trouble. Of course, if they continue to offend, they will quite rightly be subject to heavier sanctions.

The reprimand and final warning scheme does not provide for compensation for criminal damage, as a warning is not a criminal conviction. When a criminal conviction is handed down by the courts, the victim is entitled to make a request for compensation and the court can make out a compensation order against the young offender. Section 130(3) of the Powers of Criminal Courts (Sentencing) Act 2000 requires the courts to give reasons when they do not make a compensation order in any case where personal loss, damage or injury has resulted from the offence.

Grant Shapps: This is interesting stuff and, in particular, I understand the Minister's point about it being a difficult step for a young offender to admit to a crime and to be issued with a warning when their parents are in the room. I do not know whether they were in this case. However, the point does not deal in any way, shape or form with the fundamental point that criminal damage was done and it will cost the victim money to repair it. I note that the Minister has jumped from that missing point to the way in which the courts operate if the case goes to court. I hope that I described in sufficient detail the problem of getting the case to court in the first place. Will he be kind enough to address that point as well?

Paul Goggins: I am coming on to that, but the hon. Gentleman would expect me to give a full answer to the points that he has raised. I am about to come to the point in my speech where I deal directly with some of the issues that he has raised.

The hon. Gentleman may ask—indeed, initially Mr Bailey himself may well have asked—how victims are expected to recoup financial compensation from juvenile offenders and their parents or carers when the matter does not come to court. Victims of property crime may look to their own insurance arrangements to make good any losses, but justice demands that, wherever it is appropriate and possible, the offender should make good the damage that has been done.

This approach is increasingly reflected in the emphasis placed on the use of the restorative approach within pre-court interventions that I have described. In some cases, this can involve acts of reparation and even a face-to-face meeting between the victim and the offender and his parents at which the offender is made to face up to the consequences of his behaviour and to offer an apology.

Whatever the outcome of criminal proceedings, victims can sue their offenders for damages in the civil courts, although they cannot get compensation twice for the same offence. Of course, the ability of the victim to

[Paul Goggins]

pursue civil action depends on his knowing who the offender is, which brings us to the particular case raised by the hon. Gentleman.

As we have heard, on 12 March this year, a young person was given a reprimand by Hertfordshire police for smashing the rear windscreen of Mr. Bailey's car while it was parked on the driveway at his home address. In deciding on the appropriate way to deal with this case, the police used the system that I outlined before to take account of the circumstances of the offence and the offender. Of course, it is not for me or for any of us in this place to offer any comment on that decision; it was a decision for the police.

Mr. Bailey made a written request to Hertfordshire police asking for the details of the offender, information that in law is protected data under the Data Protection Act 1998. At first, the request was refused and, to be fair, the police have a responsibility to satisfy themselves that the information is to be used for an appropriate purpose. The hon. Gentleman acknowledged in his speech that care had to be taken on that issue. From the initial information that the police received, they felt that they could not be absolutely certain that this was the case and so made the decision not to disclose the information to Mr. Bailey.

In recognition of the fact that Mr. Bailey had a legitimate interest in recovering the cost of repairs to his vehicle, the police wrote to him and informed him that they were prepared to disclose the young offender's details to his insurance company in accordance with the memorandum of understanding between ACPO and the Association of British Insurers. They anticipated that disclosure to the insurer would provide an adequate solution to the matter. However, at the time of the offence Mr. Bailey's vehicle was off the road and not insured, so that course of action was simply not available.

Grant Shapps: It is important not to be disingenuous about the facts of the case, although I appreciate that you will have received a brief from the force involved.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The Minister will have received a brief, not me.

Grant Shapps: Indeed. I apologise, Mr. Deputy Speaker.

The version of the case that the Minister presents is rather sketchy because he has entirely removed several facts: first, my constituent had to write to me; secondly, I then had to approach the police; and, thirdly, the police rejected several further requests to release the evidence, although I would have thought by that stage that it was becoming fairly apparent that it was going to be used for proper reasons, namely, to take the case to a civil court. The case only really started to get moving, with the decision being overturned, when this debate on the Floor of the House was organised. That sparked media interest in the *Daily Mail* and the *Sunday People* and on regional television and several radio stations—the Minister will get the message.

At that point, the police did a quick rethink—perhaps the whole thing escalated, although one does not know—and all of a sudden the information was released. I know from further conversations with the police constable, with whom I have every sympathy because he has been placed in a difficult situation, that his problem is one of not contravening the law. It is important to cite all those facts because the Minister is making it sound like one other letter was sent and the whole thing was resolved.

Mr. Deputy Speaker: Order. It is also important that the hon. Gentleman should not make a second speech.

Paul Goggins: Thank you, Mr. Deputy Speaker. I ask the hon. Gentleman to show a little patience, because I am about to deal with many of the points that he just made in great detail.

Let me pick up the story where I left it off, with Mr. Bailey having been refused the information that he had been requesting and it being found that the issue regarding the insurance company was not relevant. Mr. Bailey then repeated his request for the information to be disclosed to him and the police had to decide whether or not to disclose the offender's details directly to the victim. The police understood that the Data Protection Act 1998 allowed the release of information to enable civil proceedings to be taken by Mr. Bailey against the offender. I am assured that they carefully considered the relevant provisions of the Act, but still had some concerns about how the information might be used and remained reluctant to disclose the details requested.

By late August, Mr. Bailey's case had received widespread media coverage and, indeed, the hon. Gentleman had secured parliamentary time for today's debate, as he made clear. To obtain greater clarity on the operation of the Data Protection Act 1998 in such a case, Hertfordshire police decided to approach the Information Commissioner, who referred the police to Home Office circulars 20/1988 and 55/1998. I am pleased that the hon. Gentleman is familiar with those circulars. I can confirm that I, too, am now familiar with them, thanks to his prompting.

Circular 20/1988 includes at paragraph 8(b) guidance about releasing the name and address of a cautioned offender to the victim for the purpose of instituting civil proceedings. It says:

> "The name and address of a cautioned offender should be disclosed if the victim requests it for the purposes of instituting civil proceedings, unless there is good reason to believe that the information might be used for an unlawful or improper purpose e.g. to take retaliatory action against the offender".

On 5 September, on his return from annual leave, the chief constable of Hertfordshire police was made aware of the situation and, after further consideration, he made a decision to release the information under the provisions of the Data Protection Act 1998 to assist the instigation of civil proceedings, provided that Mr. Bailey was prepared to give an undertaking not to use the information for other purposes. The undertaking was duly given and the information was thus released. Although that may have taken a little longer than many might have wished, it was, I think, a very sensible outcome.

The clear purpose of the law on data protection is, of course, to provide necessary safeguards, and there is, rightly, a presumption against releasing personal data.

Generally speaking, personal data may be disclosed only with the consent of the data subject. However, as the hon. Gentleman said, there are a number of exemptions to this general principle, which include preventing and detecting crime, and investigating and prosecuting offences or taking civil proceedings.

It took a long time for Mr. Bailey to receive the information that he had requested. Although I think that the advice of the Information Commissioner and the Home Office circulars are both accurate and adequate, clearly there are lessons to be learned so that decisions in such cases can be concluded more speedily than was the case here. In the end, of course, decisions have to be taken on a case-by-case basis after full consideration of all the circumstances.

The Data Protection Act 1998 should not be seen as a barrier to disclosure. It permits disclosures where they are required for legitimate purposes, but does not permit those which would be an unwarranted invasion of privacy. The Act is complex and requires careful judgements to be made, but the starting point should always be to look for reasons to enable information to be shared rather than blocked.

The hon. Gentleman will, I am sure, be interested to know that the Department for Constitutional Affairs, working with the office of the Information Commissioner, is planning new ways to promote a better understanding of the law relating to data protection. The statutory role of publicising and encouraging a proper understanding of and compliance with the Data Protection Act lies with the Information Commissioner, the independent regulator for the Act.

I understand that the Information Commissioner has already replied to the original press article highlighting Mr Bailey's case, to correct any misunderstanding of the legal position. The Information Commissioner's website also contains valuable information on the application of the Act in a wide variety of circumstances.

In conclusion, the Data Protection Act would therefore in general prevent the disclosure of personal data to a third party only where to do so would in all the circumstances of a particular case be unfair. This judgment must balance the interests of all the parties involved. It does not prevent disclosure of relevant information for legitimate reasons. In the particular case at issue in this debate, the Act actually contains a specific provision which allows disclosure where it is necessary for the purpose of any impending or prospective legal proceedings.

Once again I congratulate the hon. Gentleman on raising this issue, and I hope that I have been able to clarify the position to his and his constituent's satisfaction.

Question put and agreed to.

Adjourned accordingly at three minutes to Three o'clock.

House of Commons

Monday 17 October 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Armed Forces Parliamentary Scheme

1. **Sarah McCarthy-Fry** (Portsmouth, North) (Lab): How many hon. Members have taken part in the armed forces parliamentary scheme in each of the last five years; and if he will make a statement. [17610]

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): The armed forces parliamentary scheme is an invaluable opportunity for Members to gain a better understanding of the armed forces, and I certainly commend it to the House. Four Members completed the scheme in 2001, 17 in 2002, 21 in 2003 and 11 in 2004. Twenty-two Members are participating in the scheme's 2005 attachments.

Sarah McCarthy-Fry: Portsmouth is, of course, the home of the Royal Navy, and I have spoken to serving naval officers and ratings who greatly appreciate the scheme. Their concern is that fewer and fewer MPs have active service experience, and they think that the scheme enables us to understand the lives of servicemen and women and what they have to do. I should like there to be even greater participation: does the Minister think that there are barriers to participation for Members, and how can we overcome them?

Mr. Touhig: Hon. Members often have time problems with participating in the scheme, which is organised and run by the armed forces, with each service organising visits specific to land, sea and air operations or exercises as appropriate. It is a question of colleagues committing themselves to the time needed, and I again commend the scheme to the House and hope that as many Members as possible will take part.

Bob Spink (Castle Point) (Con): I declare that I am a graduate of the Royal Marines scheme. Does the Minister agree that the greatest benefit of the scheme is that it serves better to inform Members on such issues as the importance of up-to-date, quality kit that is in good condition, particularly when the armed forces are on active service in such places as Iraq? Does he take that message home?

Mr. Touhig: I often say that we sit in this place four days a week making the law on behalf of our country, and that if we do not get out and about to discover the hopes, aspirations and problems that people face, we cannot do that job as thoroughly as we ought to. I agree that learning more about the way in which the armed forces operate and their problems and difficulties, and bringing that information back, is of invaluable help to the Ministry of Defence as it carries out its functions.

Michael Connarty (Linlithgow and East Falkirk) (Lab): As a postgraduate member of the scheme, may I emphasise how important it has been to see our troops in action in Afghanistan and in Bosnia and Kosovo recently? The point made by my hon. Friend the Member for Portsmouth, North (Sarah McCarthy-Fry) about the need for ring-fencing through an arrangement with the House authorities is an important one. There is a danger that people will not be allowed away at times when there is business in the House. I should like, too, to emphasise that it was good to hear the Scottish troops I met—the Argylls in Bosnia—saying, on the ground, that it was a lot of nonsense to attack the concept of having one Scottish regiment.

Mr. Touhig: If any colleague offers some idea to improve the scheme, we shall obviously listen. We produced a booklet just after the general election, which is available in the Library and which I will happily pass on to colleagues if they have not received copies. We are trying to get as many people to take part as possible, and there is still a waiting list. If people want to join, there is an opportunity to join the scheme. We certainly would not turn away any idea that would help us to benefit Members taking part in the scheme. If we need to have discussions with the House authorities, and if it is appropriate, we shall do so.

Mr. David Heath (Somerton and Frome) (LD): As another postgraduate member of the scheme who two weeks ago was yomping around Arbroath with 45 Commando, may I pay testament to the value of the scheme and the hospitality of the commandos? May I express sadness at the reported loss of a royal marine in training in Scotland over the weekend? May I also, as I think we engage in a two-way dialogue, pass on a comment from members of 45 Commando that, for an elite force, they are still under-provided with gymnasium facilities and a swimming pool at Arbroath —a matter that I raised a year ago but happily raise on their behalf yet again?

Mr. Touhig: I share the hon. Gentleman's expression of regret and condolences on the tragedy that he mentioned.

I hope that colleagues who participate in the scheme and who feel that issues must be brought to the attention of Ministers will feel free to do so. I shall make myself available for a debriefing as often as is necessary. If that impacts on something that the department is doing, I have no doubt that the Secretary of State, as an ex-participant in the scheme, will certainly want to know.

Iraq

2. **Mr. Kevan Jones** (North Durham) (Lab): What assessment he has made of the contribution of UK armed forces to the development of democratic and sustainable political structures in Iraq. [17611]

The Secretary of State for Defence (John Reid): United Kingdom armed forces, at the request of the Iraqi Government and under United Nations Security Council resolution 1546, are providing the support, training and security necessary to allow the Iraqi people to build their own democratic future. The success of this weekend's referendum, and the turnout, is the latest example of the contribution we are making together with Iraqi security forces.

Mr. Jones: Does my right hon. Friend agree that an important part of the emergence of democracy—such as the successful elections this weekend—is the building of the country's infrastructure? I have visited Iraq three times in the past two years and I have been impressed by the work of the UK force civic teams, and others, who are helping in the reconstruction. What can be done to congratulate those individuals, some of whom put their lives at risk to help ordinary Iraqis, and to publicise more widely the important role that they play in Iraq?

John Reid: I know that my hon. Friend has taken a deep interest in the issue, to the extent of visiting Iraq on several occasions. He has always balanced the pessimistic and despairing commentaries on Iraq by putting the other side of the coin. I hope that he and other close observers will help to publicise the views of Iraqis, from President Talabani and Prime Minister Jafaari down. This weekend, millions of Iraqis, despite the threat of death against them and their families, cast a democratic vote on a constitution that has been designed and manufactured by Iraqis for Iraqis. That was a significant step forward, and I hope that some of our commentators will balance some of the despairing comments with the progress that has been made, despite all the efforts of the terrorists.

Robert Key (Salisbury) (Con): Since the end of the cold war, Her Majesty's forces have earned a wonderful reputation for peacekeeping, in Iraq and elsewhere. Has any serious thought been given to the creation of a British gendarmerie, given the disruption to military forces of such peacekeeping and the disruption to civilian constabularies, which provide staff for much of the policing? That idea will not be new to the Secretary of State because we have debated it for 20 years.

John Reid: I thank the hon. Gentleman for his comments. In the complexity of response to today's complex threats, the civil-military relationship—including security sector reform, policing and judicial systems—is an integral part of solving problems and we contribute to that. For example, some 100 policemen derived from Britain are in Iraq at present. They have trained some 14,000 Iraqi police and, by next year, we hope that they will have trained 25,000. Other forces bring other specialties to the table. We specialise in armed forces, but the Italians have the carabinieri, who have made a contribution similar to that of the Police Service of Northern Ireland and, before that, the Royal Ulster Constabulary. We do contribute, but we are always keen to see how that contribution can be developed.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Some of us who have not had the opportunities that other colleagues have had to visit Iraq have nevertheless followed developments with alternating concern and hope. Given the earlier successful elections and now the remarkable turnout—which will probably vote in favour of the constitution—we are more positive about the prospects for a democratic Iraq. What does my right hon. Friend see happening from now on, and what does he think of the chances of achieving a firmly based, strong Iraqi Government who are able to administer law and order without the help of outside troops?

John Reid: I thank my hon. Friend for his comments. We should all bear in mind three important points about Iraq, whatever position we took about the intervention there several years ago. The present position is that, first, millions of Iraqi people are showing—by their defiance of terrorism—their commitment to building their own democratic institutions, including even risking death, and they deserve our support. Secondly, our forces are operating, with the rest of the international community, under UN Security Council resolution 1546. We are on the side of the UN at this stage, alongside the multinational forces. Thirdly, the terrorist activity is no longer a reason for us to leave Iraq. Increasingly, it is becoming the most important factor keeping us in Iraq, because the threat from the terrorists is such that the Iraqi security forces—although they are being built up—are still insufficient to counter it. Far from driving us out, the threat and actions of terrorists are one of the main reasons we stay. I merely tell the House today that, according to the latest figures, there are, for the first time, more than 200,000 members of the Iraqi security forces, trained and capable. They are increasingly taking the lead, and we will continue to train them until the conditions are right for us to withdraw.

Mr. Gregory Campbell (East Londonderry) (DUP): I join the Secretary of State in paying tribute to the courage of the people of Iraq and to the courage and dedication of our armed personnel serving in Iraq. Will he assure me and the people of Northern Ireland that he will bear in mind in particular the courage and dedication of members of the Royal Irish Regiment when he is considering the representations that my colleagues and I made to him recently about the regiment's future?

John Reid: Yes, I will bear that in mind. As the hon. Gentleman will know, I met the leader of his party and the leader of the Ulster Unionist party to discuss the matter. I told them that the Armed Forces Minister, who is dealing with the details of the case, and I will try to ensure that whatever changes arise from the peace process in Northern Ireland, those who have served their country during some very difficult decades will be treated with dignity and honour as the role that they have played becomes less relevant and less material to today's circumstances.

Mr. David Winnick (Walsall, North) (Lab): As someone who continually criticised the shameful abuse of Iraqi prisoners, particularly by the United States, I ask whether it is not unfortunate that a good number of Members who opposed the war, as they had every right to do, have not, as far as I know, in any way criticised the way in which, day after day, innocent Iraqis are being murdered by the terrorists, including a 27-year-old female bank clerk who was murdered simply because she was considered a collaborator for working in her job, which she did because she wanted to help her mother have an operation on her leg. Is not that outright murderous fascism, and should not all Members denounce such murder and criminality at every opportunity?

John Reid: Yes, indeed. Almost all Members are of the same view. There can be no justification for actions that destroy the lives of innocent Muslim children, of the 200 ordinary working-class Shi'a Muslims who were murdered some weeks ago, of the four Sunni representatives who tried to engage in politics in the constitutional convention and were murdered, and of men and women registering for votes. Surely there are very few in this House who would try to justify that action, because whatever view we took about the original intervention in Iraq, the position is now clear: we are either on the side of the Iraqi democrats, the United Nations and our troops, or we are on the side of the terrorists. I salute the courage and the indefatigability of today's Iraqi democrats.

Mr. Michael Ancram (Devizes) (Con): I join the Secretary of State in welcoming the apparent success of the vote on the constitution over the weekend, and I warmly congratulate our troops on their part in the sensitive development of democratic and sustainable political structures in Iraq. The key question now is how long they will continue to be required to do that. Rather surprisingly, the Foreign Secretary last week seemed to suggest five to 10 years. Of course, if the sovereign Government of Iraq asked us to leave, we would leave, but can the Secretary of State give the House a categorical assurance that in any other circumstances, after due consultation with the Iraqi Government and our allies, the decision as to when we have fulfilled our responsibilities and our troops come home will be taken by the British Government, and by the British Government alone?

John Reid: The British Government will always have the sovereign right to make that decision, and we will do so, but we have entered into obligations, and no British Government lightly abandons obligations seriously entered into. Those obligations, which we entered into with the democratically elected transitional Government in Iraq, and which we will discuss with them in December, mean that we will stay there until the conditions are right, first, for us to hand over the lead to the Iraqi security forces and then eventually to withdraw. Those conditions are plain. The criteria on which our judgment will be based include the Iraqi security forces' ability gradually to take the lead; the control of central and local and government in order to compete with the threat against them; and the level of the threat. Ultimately, the choice will be for the British people and the British Government, but we will act in consultation with the Iraqis, as we agreed.

Mr. Ancram: The right hon. Gentleman and I both know that dialogue always has an important part to play in the development of democratic and political structures, but is there any truth in the rumours and reports that representatives of the coalition have opened, or are seeking to open, channels of communication with certain of the insurgents; and if so, to what purpose?

John Reid: The right hon. and learned Gentleman knows that certain irreconcilable elements in Iraq are irreconcilably wedded to violence, including imported jihadists and elements of the former regime of the fascist Ba'ath party. Others may be tempted to engage in violence because they think that economic progress is not sufficient, or that they have been deprived of political power and so on. To the latter elements, which are not irreconcilable, we would say that as long as they engage in violence, we will meet that violence with the force necessary to curtail and defeat it, but that if they wish to adopt the political path, we hope that the Government and the majority Shi'a population will reach out their hand to those elements, especially if they are members of the Sunni minority. In other words, as elsewhere, if people are wedded to terrorism, they will be met with the full force of our military power; if they choose the route of democracy and dialogue, we will encourage them.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Does my right hon. Friend feel that the Iraqi constitution puts in place integrity structures that are necessary and sufficient to ensure a sustainable democracy? If so, will he say why he feels that the Sunnis—even though they participated in the voting, which is a good thing—may not have voted for the constitution?

John Reid: I can think of no constitutional settlement that has commanded unanimity in any country. First, about 155 of the 157 articles of the constitution had widespread agreement. Secondly, in a recent gesture, the Sunnis were told that the other elements could be discussed again, even after the election of the Government in December. Thirdly, the rapidity with which three groups—Shi'a, Sunni and Kurd—have come together after decades in which members of the majority Shi'a and Kurd populations were massacred in their hundreds of thousands by Saddam Hussein, is a miracle. As I have said before at the Dispatch Box, a comparison between the two years it has taken to bring together the ethnic and regional parties in Iraq and the 800 years it has taken the four nations of the United Kingdom to resolve our constitutional issues illustrates how far we have come in Iraq, despite all the difficulties.

Kosovo

3. **Mr. John Randall** (Uxbridge) (Con): If he will make a statement on the deployment of troops in Kosovo.
[17612]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The United Kingdom contribution to the NATO KFOR mission of about 200 troops provides a highly effective force able to deploy across the whole of Kosovo. In addition, about 70 Ministry of Defence police officers are stationed in Kosovo, working with the United Nations interim administrative mission and the Kosovo police service on a wide range of international policing tasks.

Mr. Randall: I thank the Minister for that reply. Will he comment on reports that units are being deployed in Kosovo without some of their crucial experts, such as forward air controllers, because of operations in Afghanistan and Iraq?

Mr. Ingram: No. We have a highly effective support mission in Kosovo and we shall always ensure that the equipment required for the task at hand is made available. Equipment can at all times be moved from one theatre to another, depending on need and demand, and such decisions are based on military assessment.

The hon. Gentleman should understand that, in the first instance, the military judgment will determine advice to Ministers. If the risk is too great, another judgment will have to be taken. That will be the case in Kosovo, as elsewhere.

Paul Flynn (Newport, West) (Lab): Has not the achievement of our forces in Kosovo and elsewhere in Europe, as well as in Africa, in peacekeeping been our military's supreme achievement of recent years, ensuring fewer deaths of civilians, especially women and children? Is not that the way forward for our military spending—we probably have the best peacekeeping record of any armed force in the world—rather than one that is vested in the questionable cause of a new nuclear weapon?

Mr. Ingram: I think that my hon. Friend does not quite understand why we are so good at peacekeeping. We are also very good at all the other elements in which we involve our armed forces, not least of which is war fighting. We are among a few nations that trade across the spectrum. That means that our people move from one type of activity to another. We are exceptionally good at peacekeeping but we are also extremely good at peacemaking and war fighting.

Afghanistan

4. **Andrew Rosindell** (Romford) (Con): if he will make a statement on the security situation in Afghanistan. [17613]

The Secretary of State for Defence (John Reid): The security situation in Afghanistan is broadly stable, if sometimes, and in some places, fragile. Despite an upsurge in violence preceding the 18 September National Assembly elections, as anticipated, polling day was not significantly disrupted and many millions of Afghans were able to exercise their democratic will.

Andrew Rosindell: I thank the Secretary of State for his reply. If, as I understand it, additional troops are to be sent to Afghanistan—possibly up to another 4,000—can he tell us how much of the overseas deployment budget will remain for 2005–06?

John Reid: I cannot do so off the top of my head. The hon. Gentleman must recognise that the additional budget for operational deployment does not come from within the basic budget of the MOD. Operations are always a matter for discussion with the Treasury. Part of the ongoing discussions about the configuration of any force that would go into, for example, Helmand in southern Afghanistan would be subject to negotiations with our allies and negotiations within Government to ascertain how much money is affordable for which objectives.

Chris Bryant (Rhondda) (Lab): As my right hon. Friend will know, 95 per cent. of the heroin on British streets comes from Afghanistan. British troops have played an important role in trying to ensure that the opium trade dies. Recently, British troops in Bosnia found large amounts of heroin that had come from Afghanistan. How are we ensuring that we follow the whole of the trade—not only the growing of the opium but its passage to the United Kingdom—to ensure that it stops?

John Reid: My hon. Friend is right. There has been much discussion about an ethical foreign policy and a self-interested foreign policy. Foreign policy includes both those elements. We are in Afghanistan to ensure that terrorists do not have an unviable state to use as a launch platform for attacks against the west. It is in our interests to ensure that that is in the interests of the Afghans as well.

It is also in our direct interests to stem the trade in opium. As my hon. Friend says, 90 per cent. of the heroin on our streets derives from Afghanistan. I can tell him that I recently discussed this matter with colleagues in Pakistan as well as in Afghanistan, including Presidents Karzai and Musharraf. It is of great interest to them as well as to us that the trade is stopped.

Mr. James Arbuthnot (North-East Hampshire) (Con): As always, we can be extremely proud of the work of our troops in Afghanistan as well as in Iraq, in circumstances of great difficulty and danger. It is sad to hear that we lost a Harrier recently and that another one was damaged. Can the Secretary of State tell us what protection those Harriers had and what lessons we have learned?

John Reid: As the right hon. Gentleman knows, an inquiry is under way. It is always sad when the enemy—in this case, terrorists—are successful, and we will look at what lessons can be learned and whether greater protection can be given to what is, as he knows, a vital asset. I do not want to pre-empt the inquiry by giving opinions at this stage, so I hope that he accepts that I would rather wait until it has been concluded.

Ms Dari Taylor (Stockton, South) (Lab): The deployment of British armed forces is central to achieving a secure Afghanistan, but what are the

Government doing to ensure the integration of economic, social and financial developments, as they are significant if the future of Afghanistan is to be secure?

John Reid: I entirely agree with my hon. Friend. If we are to deny the terrorists the Trojan horse of a failed state that could be used to attack us in the west, as elsewhere, it is not sufficient to defeat them or the Taliban temporarily. We have to build a viable and sustainable state in Afghanistan, and the people who can do so are the Afghans themselves, with our support. Military power is a necessary condition, but it is not sufficient to defeat terrorism in the long term, so humanitarian aid, economic developments, judicial systems and the extension of true and uncorrupted political control beyond Kabul are essential additions to military power. We will have that very much in mind when we go into Helmand. If we manage to defeat the drug barons we must make sure that farmers who are dependent on the opium crop have alternative livelihoods. That is a perfect practical example of how military power without the accompanying civil and economic development will not achieve our ends.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): There was welcome progress in Afghanistan at the recent elections, but the security situation has become more perilous ahead of the extension of NATO's ISAF role. If the Secretary of State cannot yet confirm the number of British troops to be deployed, can he clarify whether counter-insurgency and peacekeeping roles are to be merged under NATO? If not, how close will the synergies be? Is it clear yet that the United States will supply additional troops to support the core peacekeeping responsibilities under ISAF?

John Reid: The short answer is that our direction in Afghanistan consists of three elements on the military side. First, we have already committed ourselves to taking the lead in the allied rapid reaction corps headquarters from May next year. Secondly, in principle, we want to extend the ISAF operation from the north and the west down to the south. We will go into Helmand province with our colleagues, and many nations wish to assist us. We have not finally decided the numbers, but I shall inform the hon. Gentleman and the House when we have done so. Thirdly, we want very close co-operation indeed between our operation and the Americans. It is not a complete merger for various reasons, but we want the closest possible synergy because, as I said, we cannot defeat terrorism by military means alone. Stabilisation and reconstruction are also needed, which is what ISAF and NATO, with ourselves in the lead, will undertake.

Mr. Michael Ancram (Devizes) (Con): Following that answer, if the NATO task is to be extended into counter-insurgency, which is inevitable if we move into the south as the Secretary of State described, is it not essential that our troops work under a single command? Can he therefore confirm categorically that any further attempts by others such as the French to create a split command between Operation Enduring Freedom in counter-insurgency and NATO in peacekeeping will be strongly resisted?

John Reid: What is being suggested by the Supreme Allied Commander Europe, in order to incorporate the greater synergy that I mentioned, is not a single chain of command. It is two potential chains of command, headed by one person who is double-hatted. It is possible to achieve far greater synergy without a single chain of command. How far we go in that direction is a matter for diplomatic and political discussion between all the allies, including the United States. That process is under way.

Iraq

5. **Mrs. Theresa Villiers** (Chipping Barnet) (Con): If he will make a statement on the security situation in Iraq. [17614]

9. **Mr. Bernard Jenkin** (North Essex) (Con): If he will make a statement on the security situation in Iraq. [17618].

The Secretary of State for Defence (John Reid): We are in Iraq under a United Nations mandate to help Iraq build democratic institutions, its own security forces and economic and social infrastructures. The terrorists are trying to destroy all three. Despite terrorist attacks, steady progress is being made in all three areas. The success of the weekend's referendum is the latest example of this progress.

Mrs. Villiers: Over the past few weeks the Government have given conflicting signals about whether any of the weapons being used by Iraqi insurgents originated in Iran. Has the right hon. Gentleman seen evidence that any weapons being used by Iraqi insurgents were designed or manufactured in Iran? If so, what protest is he making to the Iranian Government about the involvement of their country in Iraq?

John Reid: I am not sure that I accept the hon. Lady's premise that there have been conflicting signals. The Prime Minister, the Foreign Secretary and I have all said the same thing, and I am glad that the US Secretary of State, Condoleezza Rice, publicly declared last night that she accepted what we were saying. The Prime Minister confirmed last week that new explosive devices have been used not only against British troops, but elsewhere in Iraq. The nature of those devices leads us either to Iranian elements or to Hezbollah. At this time, however, we cannot be certain of the precise destination to which that would take us. We continue to investigate the matter, but in the meantime we have made plain our views to the Iranian Government. We have presented evidence to the Iranians that, in our judgment, clearly links the improvised explosive devices that have been used against British and other troops, mainly in the south of Iraq, to Lebanese Hezbollah and to Iran. We hope that the publicly declared position of the Iranian Government will be followed through, because we all know that there cannot be a parallel track in this matter. Everyone should be absolutely committed to assisting the democratic process in Iraq. I hope that will be the outcome of the discussion.

Mr. Jenkin: A few moments ago the Secretary of State said that 200,000 members of the Iraqi armed forces were now trained. Will he comment on the remarks of General George Casey, the commander general of the multinational force in Iraq, when he gave evidence at the end of last month to the Senate armed services committee? He told the committee that only one in a hundred of the battalions is capable of operating independently. That represents two fewer than in June. Why is that? Is it also related to the fact that Iranian-backed Shi'a insurgents have infiltrated much of the Iraqi security services? How are we to make progress, as we all want to do, if we seem to be going backwards?

John Reid: Yes, I can explain General Casey's comments, which have been taken slightly out of context. General Casey said, and General Myers as well, I think, that a very limited number—one or three has been mentioned on various occasions—of Iraqi battalions are capable of acting fully independently and autonomously. I have said that we now have 200,000-plus members of the Iraqi security forces—police as well as army—who are trained and capable of taking part in counter-terrorist operations. Those very brave people are putting their lives at risk. Indeed, Iraqi forces are playing a part or a lead part in the majority of operations. That is not to say that in command and control, and in intelligence in other ways, they are at the height of being able to act completely independently and autonomously. Our objective is to increase the number of forces who can do that.

Jeremy Corbyn (Islington, North) (Lab): Will the Secretary of State comment on the fact that on Saturday the Iranian ambassador made a very clear statement that his Government played no part whatsoever in the explosions in southern Iraq or in attacks on British forces? If the Defence Secretary has evidence, will he publish it? Does he agree that Condoleezza Rice and others who made statements over the weekend, which were, to some degree, of aggression towards Iran, would do better to keep quiet? Will he use this opportunity to say that there are no plans whatsoever to mount an attack on Iran?

John Reid: The House's primary concern should be how to protect our soldiers. They are British citizens—British servicemen and women—and if we think that there is any evidence that they have been murdered or mutilated by devices that originate in sources that may be connected to Iranian elements, it is not an option for us to raise this issue but an obligation of Government, and I assure my hon. Friend that we will continue to do so.

Ann Winterton (Congleton) (Con): In view of the withdrawal from service of the Scorpion and Sabre vehicle variants, what is the position of the remaining CVR(T)—combat vehicle reconnaissance (tracked)—fleet concerning maintenance, upgrading and, in particular, replacement by other vehicles in future to fulfil the security role in Iraq and elsewhere?

John Reid: As the hon. Lady may know, discussions are taking place to investigate the future nature of our armoured vehicles under a project called FRES—future rapid effects system. Those discussions still have some way to go, not least because in Europe, while there is a demand for around 10,000 such armoured vehicles, there are already 33 different projects to choose from; whether that is an advantage or a disadvantage is an open question. The biggest requirement of the Army on the horizon is future armoured vehicle procurement.

Angus Robertson (Moray) (SNP): The Ministry of Defence has chosen to court-martial Flight-Lieutenant Malcolm Kendall-Smith, who, like many others, questioned the legality of the Iraq war. He is a decorated officer based at RAF Kinloss in my constituency. Today's editorial in the Labour party-supporting *Daily Record* says:

"Politicians should not expect servicemen to follow every order if it is manifestly wrong."

Is that correct?

John Reid: One of the principles in this country is that politicians should not get involved in legal cases, and I will not.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the Secretary of State agree that our armed forces—the young men and women of all three services—in Iraq have done a truly remarkable job? I hope that they know how much they are appreciated and admired in this House. Does he also agree that one of the limiting factors in their success on the ground is the problem of the lack of real-time intelligence? Will he assure the House in whatever way he can that there are in Iraq sufficient Arabic speakers and members of the intelligence agencies relevant to these operations to enable the work to be properly done?

John Reid: I believe that there are sufficient. However, as the hon. Gentleman has held a similar position to mine, he will expect me to say that I would always like more, because the difficulties of making informed choices are in many cases dependent not only on human intelligence but on a real understanding of what is going on in civil and social society. That is why I stress that although there are international terrorists there, and although this is part of the global combating of international terrorism, the specific characteristics of Iraqi society must be paramount in our consideration, including reaching out to those who may be drifting into violence but may also be open to involvement in the political process. I think that that degree of sophistication is necessary. As the hon. Gentleman implies, it depends on an understanding of information in real time. Some of that is human intelligence and some may be technical. We continue to explore the need for more advanced technical assistance and real-time intelligence.

Royal Naval Equipment

6. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What progress has been made in securing repatriation of the Royal Navy's equipment seized by Iranian forces in the Shatt-al-Arab. [17615]

The Secretary of State for Defence (John Reid): We continue to press the Iranian Government for the return of the Royal Navy boats and equipment seized by Iranian forces in the Shatt-al-Arab in June 2004.

Daniel Kawczynski: I thank the Secretary of State for that answer but I find it unacceptable that the Iranian Government have purloined our equipment. Is he prepared to work with the Foreign Secretary to put pressure on Iran via the United Nations on the matter? As he knows, our soldiers strayed across the Shatt-al-Arab and did not enter Iranian territory. They were coerced on to the Iranian side of the Shatt-al-Arab. The Iranian Government have committed an illegal act.

John Reid: I can do no better than agree with the hon. Gentleman, not least because we have objective evidence for what he says. The global positioning system data downloaded from the boats' navigational equipment—and shared by both sides—support the British servicemen's account that they were intercepted in the middle of the waterway and taken to the Iranian side. We continue to make every conceivable overture and protest through the Foreign Secretary. However, I am prepared to bring the hon. Gentleman's comments to the Foreign Secretary's attention because I am sure that they represent the House's view.

Andrew Miller (Ellesmere Port and Neston) (Lab): Although I accept my right hon. Friend's explanation, the Iranians take a different view of the definition of the boundary between Iraq and Iran in the area that we are considering. That is partly because of a moving sandbank, which the Iranians choose to use as a definition instead of a point on land. Would not it make sense if, in the longer term, we tried to encourage the parties to negotiate a long-standing treaty to help prevent such problems from recurring? The matter is serious and has implications for some oil-related issues.

John Reid: Without prejudice and without conceding anything on the question of our boats, which, apart from anything else, are valued at approximately £130,000, but also involve a principle, it would be beneficial for all parties if we could get agreement. Given my hon. Friend's minute knowledge of the sandbanks and the Shatt-al-Arab waterway, courtesy of many visits through the armed forces parliamentary scheme, perhaps he could assist in that process.

Landing Ships Dock (Auxiliary) Project

7. **Philip Davies** (Shipley) (Con): If he will make a statement on the progress of the landing ships dock (auxiliary) project. [17616]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Of the four landing ships dock (auxiliary) vessels, Mounts Bay, the first ship built by BAE Systems in Glasgow, completed her initial sea trials in September, which proved the ship's overall design and performance. Build and testing continues on the second and third ships, Largs Bay and Cardigan Bay. The final ship, Lyme Bay, was floated by Swan Hunter into the River Tyne in early September and was officially named at a ceremony in Newcastle on 14 October.

Philip Davies: I thank the Minister for that reply. The Swan Hunter contract was originally for £148 million and the most recent estimated cost is £235 million. Is there any advance on that?

Mr. Ingram: I hesitate to wave any bits of paper in front of the hon. Gentleman in case we get into an altercation afterwards. All that he has done is recite figures that we have already reported to the House in previous answers. To ensure the delivery of the ships from Swan Hunter, we amended the contract arrangements. It is important that we get those ships.

Mr. Nicholas Brown (Newcastle upon Tyne, East and Wallsend) (Lab): Last Friday was a proud day for Tyneside, its shipbuilding community and, indeed, the Royal Navy. We were able to view the naming ceremony for the latest platform dock vessel from its sister ship. It was a unique occasion in my experience. However, the work has now run out. May I ask the Secretary of State, through the Minister, if he will agree to meet me and representatives of the work force to discuss the future for Swan Hunter?

Mr. Ingram: The answer is yes. We are always ready to discuss matters of importance with hon. Members. We are in the process of developing our defence industrial strategy, and I am sure that there can be useful discussions on the matter between my right hon. Friend the Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown) and my right hon. Friend the Secretary of State.

Mr. Gerald Howarth (Aldershot) (Con): With your indulgence, Mr. Speaker, may I associate the Conservative Front Bench with the tributes that have been paid to the armed forces parliamentary scheme? As a member of the scheme serving with the Royal Air Force, I know the value of it and I should like to pay tribute to Sir Neil Thorne and to Ministers for providing us with access to Ministry establishments.

We need to understand that the contract in question was for four ships based on an existing Dutch design. It should therefore have been able to demonstrate the merits of the much-vaunted smart acquisition policy. Instead, it has been a scandal. The Minister's Department admitted that the cost of the two Swan Hunter ships had, as my hon. Friend the Member for Shipley (Philip Davies) said, overrun by £87 million—a massive 60 per cent.—only after pressure from me and my hon. Friend the Member for Gosport (Peter Viggers). The in-service date has slipped by three years. Who is to blame for this shambles? Is it the Department or Swan Hunter? Will the BAE Systems vessels commence their sea trials as soon as they are ready, or will they be held back to allow Swan Hunter to go first?

Mr. Ingram: Let me echo the hon. Gentleman's kind words about the armed forces parliamentary scheme. I was one of its early graduates, and I pay tribute to all who have participated in it. I hope that many more will do so. The scheme gives us an insight into the armed forces, but it does not give the hon. Gentleman an insight into matters of procurement. He claims that the cost increase was announced only as a result of pressure from him and the hon. Member for Gosport (Peter Viggers), but that is not the case at all. Indeed, it was announced in the local area that that had happened, and extensive explanations have been given through parliamentary questions. Of course it is important that we deliver on these ships, but it is also important to understand that the hon. Member for Gosport—who is not in his place today—is campaigning for the closure of Swan Hunter. I wonder whether that is also the position taken by the Conservative Front Bench.

Education Projects (Nottingham, North)

8. **Mr. Graham Allen** (Nottingham, North) (Lab): What education projects his Department has undertaken in Nottingham, North. [17617]

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): My hon. Friend will know that the Ministry of Defence set up the Skill Force organisation, which has been working in Nottingham since September 2001. The team is currently operating in five Nottingham schools, including one in my hon. Friend's constituency, teaching approximately 300 pupils.

Mr. Allen: Does my hon. Friend agree that people who have given a lifetime of service in the armed forces as trained and highly qualified instructors might be forgiven for wanting to put their feet up and retire gracefully? However, a large number of former instructors in the armed forces work very hard in the public service under the auspices of Skill Force. Will my hon. Friend take this opportunity to commend on behalf of everyone in the House the work that is being done in my constituency, where high calibre results are being achieved? Will he also ensure that we put on record our thanks to those people who are laying the foundations for two very successful academies in my constituency? Those people could have retired gracefully but are still making the effort to put something back into their community.

Mr. Touhig: Like many other right hon. and hon. Members, I attended the event organised by Skill Force in the Palace of Westminster in July. I am well aware of the admirable work done by the Skill Force team in Nottingham as well as by the other 22 teams around the country. I pay tribute to the enduring commitment of the men who have served in our forces and—at a time when they might, as my hon. Friend says, put their feet up—are still willing to give up their time to improve the educational opportunities of young people. Skill Force is a wonderful example to all of us of what can be done by using the skills of those who have retired but are still able to make an important contribution. I commend them greatly for all that they do.

Patrick Mercer (Newark) (Con): I am delighted that Skill Force is having such success in Nottingham, but why is the Ministry of Defence giving it such a low profile in terms of recruitment in my Nottinghamshire constituency? The number of young men and women whom we provide for the three services is minimal. May I suggest that the recruiting crisis could be addressed much more effectively through more proactive measures?

Mr. Touhig: I am willing to consider any suggestion from any Member if it enables us to raise the profile of Skill Force and ensure that more people participate. If the hon. Gentleman drops me a note, I shall make certain that we follow it up and that he receives a reply.

RAF Leeming

10. **Miss Anne McIntosh** (Vale of York) (Con): If he will make a statement on the future of RAF Leeming. [17619]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The hon. Member is aware that the future of RAF Leeming is being considered as part of the defence airfield review.

Miss McIntosh: I seem to hear more about the future of RAF Leeming at the local hairdresser than on the Floor of the House. When I asked the same question in March 2005, I was told that we were waiting for the results of the defence airfield review. When might we have those results, and what is the future of RAF Leeming? Are we going to get the joint combat aircraft or not?

Mr. Ingram: I would have expected the hon. Lady to understand that it is better to get something right than to do it quickly. The review is a very comprehensive analysis of over 50 airfields, and it is not easy to reach a conclusion on what is the best balance.

The hon. Lady knows that RAF Leeming has a future. A number of strands of work beyond the airfield review could benefit RAF Leeming. We are also considering where to base the joint combat aircraft: that involves five airfields. Those matters will be reported on soon. We hope to have completed the process by the end of the year, but we are talking about a complex process that involves moving many thousands of people around and may affect thousands of jobs and local communities. We must ensure that the airfields that are retained are the best placed and best resourced to meet the demands of the RAF in the decades ahead.

Dr. Julian Lewis (New Forest, East) (Con): The Minister says that it is better to make a decision slowly and get it right, but a decision that was made quickly and was probably wrong was the decision to eliminate elementary flying training from university air squadrons. What impact will that have on the future of bases such as RAF Leeming, given that in the past 60 per cent. of RAF pilots have come to the RAF via the university air squadrons?

Mr. Ingram: As the hon. Gentleman will know, the RAF has considered the issue. The one thing that the RAF will not want to do is take away competencies at a

time when recruiting to all three services could prove more difficult because of the strength of the economy and other factors. The decision was not made lightly or, indeed, wrongly. The aim was to ensure that those who have been through the process—a total of 1,000, I think—are given the right training at the right time.

The decision was based on a military assessment, an RAF assessment. The RAF certainly would not want to cut off an essential part of its human resource stream. By changing the arrangements we will raise the quality of those who go through the process, and they will receive elementary training once they have graduated.

Service Accommodation

Mr. David Kidney (Stafford) (Lab): What steps he is taking to improve the standards of accommodation for service personnel at UK military bases. [17620]

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): Through new building and upgrade programmes, we plan to achieve sustained improvement of single living accommodation, providing trained personnel with well-equipped single rooms with en-suite facilities. On current plans, over 33,500 such rooms will have been provided in the UK by April 2009. We also have projects under way to modernise our service families' accommodation.

Mr. Kidney: Does my hon. Friend agree that the question of spending on accommodation for our service personnel is as important as the debate about spending on weapons procurement, especially when we are discussing rates of recruitment and retention? Will he say a little more about the priority that he is giving to raising standards of accommodation for service personnel, particularly those who have to live on military bases?

Mr. Touhig: My mission statement is simple and has been endorsed by my right hon. Friend the Secretary of State for Defence: we value servicemen and women and their families and we will take every practical step to demonstrate that. One clear way of demonstrating how much we value them is by improving the quality of their accommodation. Attitude surveys show that that is important for service morale and will make an important contribution to recruitment and retention. We have an extensive programme of investment in servicemen's and family accommodation. One of my priorities is to see whether we can accelerate that while I occupy this office.

Avian Influenza

3.30 pm

Steve Webb (Northavon) (LD) *(Urgent Question)*: May I ask the Secretary of State for Health what plans her Department has made to tackle an influenza pandemic?

The Secretary of State for Health (Ms Patricia Hewitt): The Government take the risk of a flu pandemic very seriously indeed. Since 1997, we have had a plan for a flu pandemic, which because of the increasing global risk and awareness, we have substantially revised. An updated version was issued in March this year outlining the actions that Government and other authorities are taking. We are working across all Government Departments and sectors and are revising the plan to take into account comments received. An updated version will be published on Thursday this week.

As the chief medical officer has stated:

"Most experts believe that it is not a question of whether there will be another severe influenza pandemic, but when."

We take that threat very seriously. The Government have been taking increasing action, particularly over the past 12 months, to prepare for such a pandemic.

We are fortunate in having some of the best scientific and medical experts in the world leading our work on pandemic preparations. The World Health Organisation believes the United Kingdom to be one of the best prepared countries in the world. None the less, we will continue to step up our planning and take proportionate actions based on the best available evidence to reduce the impact of a pandemic in our country.

It is not possible, of course, to predict with confidence when the next influenza pandemic may happen. The H5N1 virus that is circulating in poultry in south-east Asia and in other regions, including Turkey, is presenting a huge challenge for animal health. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs is taking appropriate steps to reduce the risks of avian flu spreading to birds here.

H5N1 has caused about 60 deaths in humans to date. The virus has so far affected only people directly working with infected birds. It is not readily transmitted from person to person, which is, of course, the key characteristic of a pandemic virus. None the less, in May this year, the WHO stated that the virus

"poses a continuing and potentially growing pandemic threat."

A human influenza pandemic could have serious implications for the UK. As the chief medical officer explained publicly yesterday, a flu pandemic could affect around 25 per cent. of the UK population. We estimate that there could be at least 50,000 deaths as a result of the pandemic, compared with around 12,000 flu-related deaths every year, and it could be significantly more.

The NHS is well used to planning for and responding to emergencies, but every country will face enormous pressures in the event of a flu pandemic. In order to help the NHS, we have published operational guidance on contingency planning and we are funding exercises that will test NHS plans locally and those of other stakeholders.

We are backing up the contingency plans with practical action. Antivirals will provide the first form of defence against pandemic flu. We have ordered over 14.5 million treatment courses of Tamiflu to treat people who may fall ill. This month, we will have 2.5 million treatment courses. By the end of March, we will have nearly 7.5 million and the full stockpile will be complete by September 2006. We have, of course, issued guidance to inform local NHS planning for the distribution and storage of those medicines.

The other medical intervention that we are pursuing is vaccination, which will offer the best form of protection against pandemic flu, but a vaccine cannot be manufactured until the exact flu strain is known, so it will take around four to six months until the first stocks of an appropriate vaccine become available. We are working closely with the manufacturers, other countries, the European Commission and the World Health Organisation to ensure that a vaccine can be developed as quickly as possible once a pandemic flu strain emerges. That will allow us to put arrangements in place to ensure production of vaccine for the UK population. As a further precautionary measure, however, we have also ordered between 2 million and 3 million doses of an H5N1 vaccine, delivery of which will commence early next year.

One of the cornerstones of preparedness for pandemic flu is research. The Medical Research Council is actively involved and its chief executive will be going to south-east Asia in the next few days to see how the MRC can most usefully contribute. The Department is working closely with the Health Protection Agency to have in place a research strategy on vaccines and surveillance. We are developing clinical management guidelines with the Health Protection Agency and the British Thoracic Society to help inform management of patients who are suffering from pandemic flu. We are working with the HPA to finalise infection control guidelines that will provide valuable advice on how to reduce the risk of spread of the virus.

Good communication with the public and with health professionals will be absolutely crucial both before and, of course, during any pandemic. We have seen recently that some of the messages in the media about avian flu, pandemic flu and seasonal flu can be confusing. We want to try to ensure that the public are provided with clear and accurate information about pandemic flu and its possible consequences. We have already carried out extensive testing with the public of communication materials that would be used in the event of a pandemic.

During the summer, the chief medical officer alerted all doctors to the guidance and advice that is available on the Department of Health and the HPA websites. This month we will send packs of information, including that already available on the websites, to GPs and other primary care professionals. We are taking a leading role internationally in discussions on avian and pandemic influenza and, in the UK's role as EU presidency, I have made this a major item for our discussion at the EU Health Ministers' informal meeting later this week.

There is widespread public concern about the risk of pandemic flu. We need accurate information and the media have an important role to play. There is no direct threat to members of the public in the UK from the current outbreaks of avian flu elsewhere in the world. This is a bird disease. There is no reason for people to stop eating poultry. Nevertheless, it is very important for protection against seasonal flu that people aged over

65 and other at-risk groups who are recommended to have vaccination should make sure that they receive their vaccinations as normal.

We will of course continue to review and step up our preparations so that as far as any country can be fully prepared against the risks of pandemic flu, we in the UK will be prepared.

Steve Webb: I am grateful to the Secretary of State for that helpful reply. Will she confirm that the chief medical officer's estimate of 50,000 fatalities is based on the central assumption that 14 million men, women and children will contract flu and show symptoms of it? If so, what range of possibilities is she looking at, because presumably her Department is also preparing for worst-case scenarios? Will she give us a range of the outcomes that she is considering?

The Secretary of State has just told us that 2.5 million doses of antiviral have been stockpiled. Will she say something about prioritisation? In the event of a pandemic affecting 14 million people—the Government's number—before a stockpile for 14 million has been built up, who will get the antivirals first? Will some people get antivirals on a prophylactic basis—in advance—and which people will miss out? Given the problems we have in the country when there is a shortage of fuel, is the Secretary of State confident that she has robust plans in place for a situation where 14 million people have the symptoms of an illness that is proving fatal to tens of thousands and there is a substantial shortage of antivirals? What measures are in place to deal with that scenario?

What plans does she have to stockpile other antivirals such as Relenza in the event that new strains develop resistance to Tamiflu? Will she confirm that she is estimating about 1,500 admissions to hospital for every 1 million of population? What plans does she have to make sure that the NHS has sufficient capacity to deal with that level of impact?

The Secretary of State's 2005 operational framework says that every primary care trust should have in place a contingency plan for tackling a pandemic. How many PCTs have such a plan in place now? Does she believe that her plan to reorganise PCTs and health authorities will help or hinder their preparedness to tackle a pandemic, and will she postpone that reorganisation if it gets in the way?

Finally, I turn to the Health Protection Agency's estimate, given in its own documentation, that it will take six to eight months to develop a vaccine following first identification of a human strain of the virus. Why has the Secretary of State now given a shorter estimate, and what is she doing to bring down the lead time on the production of a vaccine?

Ms Hewitt: I am grateful to the hon. Gentleman for those questions. We, the chief medical officer and our advisers have been looking at various scenarios, and they of course include a range of factors concerning the number of people who might be infected, and the consequences thereof. We will update them in the updated contingency plan to which I referred in my statement.

On ordering and stockpiling antivirals, we are one of the best prepared countries in the world. Of course, they will not prevent somebody from getting pandemic flu, but they will undoubtedly help to moderate its severity and therefore to save lives. We already have enough antivirals in stock to treat health care workers who might be affected. Depending on the time at which a pandemic takes place and on its severity, we may need to take further steps to prioritise their availability, but it would be premature to try to take such decisions at this point. Our advisers are looking at this issue, but until we know the nature of the pandemic and who is most at risk from it, it would be foolish to try to make hard and fast decisions about priorities.

We are of course planning for the real risk of a very significant increase in the number of hospital admissions, and we are looking at how best we can deal with that in terms of bed and staff availability. My understanding is that all health authorities and PCTs have plans in place, and we are monitoring and checking those plans. In addition, through the exercises to which I referred—exercises that have been so important in ensuring that the NHS was ready to deal with other eventualities, including 7 July—we will be able to test in a simulation the real readiness of different parts of the service.

On the availability of a new vaccine tailored to the specific strain of any pandemic flu, our estimate is indeed four to six months. We have been working very closely with the industry in particular to see whether it is possible further to reduce the time scale for identifying the flu strain and then creating and manufacturing the seed stock for the vaccine. Longer-term research is going on, in which the United Kingdom is playing a leading role, to try to find completely different ways of manufacturing vaccine, but I doubt whether they will come to fruition in the very near future. However, they will be enormously important in longer-term protection.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful to the hon. Member for Northavon (Steve Webb) for asking this question. As he, you and the House know, Mr. Speaker, we hope to have a more substantive opportunity to debate these matters this Wednesday, during Opposition Supply time. Pending that, I will, if I may, ask the Secretary of State a few questions.

The right hon. Lady says that we are well advanced in the preparation of a stockpile of antiviral drugs. Given that I asked precisely such a question about contingency planning and the stockpiling of drugs on 21 June 2004, and given that the French Government published their preparedness plan on 13 October 2004 and then purchased their stockpile of antiviral drugs, why was it not until I asked further such questions in February of this year that the Government published a plan—on 1 March—and ordered their stockpile, which, as the Secretary of State told us, will not be fully in place until September 2006? As the Secretary of State knows, we do not know when a pandemic flu outbreak may occur.

The Secretary of State did not answer a question about the use of antiviral drugs. The pandemic contingency plan contemplates very limited use of Tamiflu or other antiviral drugs for post-exposure prophylaxis. Health care workers or the immediate family of someone who contracts pandemic flu should be given the drugs within 24 hours in order to offset their likelihood of developing the infection, having severe symptoms or passing it on to others. Major use of post-

[Mr. Andrew Lansley]

exposure prophylaxis could have a significant benefit in containing outbreaks and preventing spread among the population. At the moment, however, the Government are proposing to purchase essentially for treatment rather than prevention. Will the Secretary of State say whether the Government will consider post-exposure prophylaxis more widely and comment on the implications for additional stockpiles of antiviral drugs?

What does the Secretary of State intend the supply of generic H5N1 vaccine to be used for next spring? Is it to be used for immunisation, which would be perfectly logical for the limited number of workers potentially exposed to birds that could be acquiring avian flu as a result of migration? Although work is in hand on vaccine preparation, have the Government contemplated the option of contracting and tendering for an advance purchase agreement? As the Secretary of State knows, the French Government have sought to acquire 40 million doses of vaccine—predominantly of a targeted pandemic flu vaccine when it can be identified—as part of the process supported by the World Health Organisation of increasing the availability of vaccine manufacture.

Will the Secretary of State tell us what plans she has for the acquisition of face masks, gloves and other surgical equipment? A UK company recently won a contract to supply a large range of disposable medical products to Australia. The Australian stockpile of gloves, face masks and the like will be in place by December, following a tender in May and June. To the best of my knowledge, our Government have not tendered for any such stockpile, or indeed any supplies beyond their normal acquisition for NHS purposes.

On the wider question of NHS preparedness, much more needs to be said, and I hope that we will have a chance to say it on Wednesday. However, I shall put my final question for today. Professor David Menon, professor of anaesthesia at Addenbrookes hospital in my constituency, recently published an article in *Anaesthesia*. The summary states:

"The UK Influenza Pandemic Contingency Plan does not consider the impact of a pandemic on critical care services... Current critical care bed capacity would be unable to cope with the increased demand provided by an influenza pandemic. Proper contingency planning is essential."

Will the Secretary of State confirm whether Thursday's updated contingency plan will include that sort of essential planning?

Ms Hewitt: First, let me stress that we are indeed well advanced in our planning. Not only have we had an outline plan in place since 1997, we have stepped up planning and preparation over the last 12 months. As the hon. Gentleman would find out if he checked with the World Health Organisation, we are one of the top three countries in the world—the other two being Australia and France—in respect of our general preparations and our stockpiling of Tamiflu. Different countries are taking different approaches to their preparations and I am told by the chief medical officer— *[Interruption.]*

Mr. Speaker: Order. I must ask the hon. Member for South Cambridgeshire (Mr. Lansley) to be quiet.

Ms Hewitt: I am grateful, Mr. Speaker.

As I was saying, different countries take different approaches to the problem. I have been advised by the chief medical officer that the stockpile of Tamiflu in France is in powder form, whereas we prefer to stockpile ours in the form of capsules, which we believe to be much easier to distribute and to use. Different countries have their approaches, but I am satisfied, on the basis of what the chief medical officer and the head of our vaccination service have told me, that we are making exactly the preparations that we need.

We have not ruled out using antivirals for post-exposure prophylaxis, but only in the early stages of pandemic in the UK. The advice that our experts have given me is that sustained use of antivirals for prophylaxis would not represent the best use of resources and would reduce the number of people whom we could treat with antivirals after they had caught the flu. We should bear in mind the possibility that extensive use of antivirals for prophylaxis could encourage development of a pandemic virus with antiviral resistance. Given what we know about antiviral bugs, I do not think that that is a risk that we would want to run.

We decided to acquire the supplies of H5N1 as a precautionary measure to use for research or offer to priority groups, particularly health service workers, while the vaccine against the exact strain of pandemic flu was manufactured. It will also be valuable for our experts to be able to carry out further clinical studies of the H5N1 vaccine to learn more about how it works against the virus and how effective it could be.

We will of course be placing advance-purchase and sleeping contracts for the pandemic vaccine. Equally, we are taking steps to ensure not only that we have necessary supplies of masks, gloves and other surgical equipment, but that we have proper means of disposing of gloves and masks. There is no point in having them and of the people wearing them being exposed to pandemic flu unless they can be safely disposed of. That is all part of our preparations. Finally, I can confirm that we will be looking at the impact of a possible pandemic on critical care and other aspects of the NHS.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Does my right hon. Friend accept that we hear the criticisms and inquiries from the Opposition as being in the best motivated sense of the public interest—

Chris Grayling (Epsom and Ewell) (Con) *indicated dissent.*

Mr. Robinson: We do.

Does she also accept that we understand that there are several different approaches to how best to handle the matter? However, it would be of great reassurance to the House if she could tell us that no budgetary or financial constraint will be imposed to restrict what she believes and what the expert advice, which we recognise to be unsurpassed in international terms, suggests should be done right now.

Ms Hewitt: I am grateful to my hon. Friend for those points. I agree with him. We have already committed some £200 million to preparing for a flu pandemic. We

are continuing to review what preparations will be needed. As we assess what preparations are appropriate, we will make that money available.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): The Secretary of State seems to be presiding over a certain amount of chaos. Her Department has been considering the issue for a period of time and we can argue about whether it has made enough provision at the health end, but I am concerned about the publicity.

More than 300,000 people keep poultry and chickens and do not have the sophisticated communications that she is talking about. Many will have been listening to and watching the BBC and other news outlets and discovering that a real crisis is heading in their direction. That is how it has been presented for two weeks. People who have poultry outside do not know whether to bring them in or to start getting rid of them, and all of a sudden they are being told that it is not quite so urgent and that the problem may not come until next year. Could the Secretary of State use the proper outlets, magazines and newspapers, for the Department to state clearly what the situation is for those people, rather than blaming the media for running away with it when the Department is partly to blame?

Ms Hewitt: I somewhat regret the tone that the right hon. Gentleman has chosen to adopt. The extent of our preparation is reflected by the fact that the earlier version of the contingency plan is a substantial, detailed and weighty document.

I understand, as does the right hon. Gentleman, the enormous concerns of people who operate or work in poultry farms about the outbreak of avian flu in Turkey and other countries. I am assured by my right hon. and hon. Friends at the Department for Environment, Food and Rural Affairs, who have responsibility for animal health, that they are working extremely closely with poultry farmers and workers to ensure that they have proper information. As the right hon. Gentleman may not have heard the "Today" programme this morning, I refer him to the comments of the president of the National Farmers Union, who said that he was satisfied with both the preparations and the communication with poultry farmers and workers.

Chris McCafferty (Calder Valley) (Lab): Is there any evidence of humans being infected from eating infected poultry meat? Given that the outbreak was identified as originating in southern Asia, will there be any restrictions on imports from that area? If not, would not it be advisable to introduce labelling that allows customers to identify where the poultry they are purchasing is from? Will my right hon. Friend discuss the matter with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs?

Ms Hewitt: My hon. Friend raises two extremely important points. I understand that imports of poultry from countries where there has been an incidence of avian flu are already banned. I am also advised by the Food Standards Agency that there is no evidence of infection from eating thoroughly cooked poultry meat. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs is content, from discussions with the industry, that the risk of avian flu spreading to domestic poultry remains low. At this stage, therefore, there is no need for the industry to bring free-range birds indoors. That issue is being dealt with extremely thoroughly, as I have just shown, by DEFRA.

Mr. Gregory Campbell (East Londonderry) (DUP): What steps are the Government taking to ensure that people in the vulnerable sections of our community, who are most likely to be at risk, such as the elderly and the very young, are protected? Some people in those communities traditionally have not taken advantage of the benefits available to them and may not be in a position to get the information that she is disseminating in the community. What steps are being taken to assist such people?

Ms Hewitt: The hon. Gentleman raises an important point. For seasonal flu, the advice is that people aged over 65 or in other at-risk groups, such as children with asthma, bronchitis or other specified diseases, should be immunised every year. We have already run the annual information programme on that. I am sure that the hon. Gentleman will want to encourage his constituents who fall into those vulnerable groups to get the flu vaccination this year. It is sometimes forgotten that in some of the earlier flu pandemics in the last century, contrary to the expectation that the very old and the very young would be most at risk, it was among people of working age that the infection and the death rate was highest. That is why we should not be too hard and fast, at this point, about where the greatest risk would be should pandemic flu occur. We give that clear advice regarding seasonal flu, and I hope that this year we will surpass even last year's very high rate of more than 75 per cent. of over-65s getting the seasonal flu vaccination.

Mr. Lindsay Hoyle (Chorley) (Lab): We should purchase the gloves, masks and gowns, and should not worry about disposal, because we have incinerators around the country that were used effectively during the foot and mouth problem and at other times. Let us not mess about. Let us get the order in.

I am pleased to hear that the Secretary of State is working closely with DEFRA. Does the Department of Health have expertise that she can supply to DEFRA if there is overstretch regarding veterinary surgeons?

Ms Hewitt: Let me reassure my hon. Friend: as I said before, those orders are being placed. Our co-operation with DEFRA is extremely close, although obviously we look to that Department on veterinary matters just as it looks to us on human health matters.

Bill Wiggin (Leominster) (Con): There seems to be a problem in the media in separating the human disease from the bird disease. As a poultry keeper, my concern is that people who keep poultry are likely to be most at risk from the disease jumping from birds to people. Should people dispose of their poultry and will those who keep poultry or other birds be in the high-risk group?

Ms Hewitt: At this point, that is predominantly a matter for DEFRA, but I understand that there is no immediate risk of avian flu in the United Kingdom. Should avian flu occur in the UK, with the risk increasing, the preparations would be stepped up as well. However, as I said earlier, DEFRA's advice to the hon. Gentleman and other poultry farmers at this point is that there is no need to bring free-range birds indoors or to take other precautions, apart from the obviously sensible hygiene precautions that would, I am sure, be routine in any well-kept poultry farm.

Andrew Miller (Ellesmere Port and Neston) (Lab): It is impossible to identify the strain at this stage, so it will inevitably be some months before it is possible to manufacture a vaccine. Indeed, it is conceivable that the virus will mutate as it spreads around the world—if that happens—thereby delaying the manufacturing process. Is my right hon. Friend satisfied that Europe has sufficient manufacturing capacity to meet the needs? On seasonal flu, will she state clearly and unambiguously that people in the at-risk groups should go and get their jab soon, as their GP will invite them to do?

Ms Hewitt: On the latter point, as I have already said, it is sensible for people in those at-risk groups to get their jab against seasonal flu every year, and I hope that this year we will have even higher take-up of that immunisation than usual.

Vaccine manufacturing is a global industry. We are fortunate in Europe in having a significant vaccine manufacturing capacity in the European Union, but there is a shortage of the raw materials that are essential for producing the vaccine. The industry depends on a high level of scientific knowledge and manufacturing capability. It is not easy simply to enter the sector and decide to set up a vaccine manufacturing capacity; if it were easy, it would have been done. That is why we are working so closely with the industry to see whether, globally, it is possible both to speed up and scale up the production of vaccines.

Mr. Mike Hancock (Portsmouth, South) (LD): Will the Secretary of State publish the evidence that she has to support her statement that eating contaminated chicken, providing it is well cooked, presents no threat to health?

Ms Hewitt: I refer the hon. Gentleman to the website of the Food Standards Agency, the independent body that reached that conclusion on the basis of expert evidence. If it will help, I will also place that information in the Library.

Dr. Tony Wright (Cannock Chase) (Lab): My right hon. Friend has urged people several times to go and get their seasonal flu jab. When I, a member of an at-risk group, phoned the surgery this morning, as I normally do at this time of year, I was told that it had no vaccine and will have none until towards the end of November, so there was no point in my contacting it before then. Is the natural public concern about bird flu causing excessive demand for the seasonal flu vaccine? Is that causing a difficulty? Can my right hon. Friend guarantee that there will be enough supplies?

Ms Hewitt: I asked that very question of our chief medical officer and I am assured by our experts that there are adequate supplies available to GPs to ensure that anyone who is at risk and who therefore should have the vaccination can have it. However, if my hon. Friend lets me have further details of the difficulty that he encountered, I shall pursue the matter further.

Mr. Graham Stuart (Beverley and Holderness) (Con): Has the Secretary of State spoken to the Chancellor of the Exchequer about additional moneys to deal with the pandemic and, if so, what was the response? Does she agree that, in the light of a possible pandemic, the closure of beds in community hospitals such as the one at Hornsea in my constituency is inappropriate and should be reversed?

Ms Hewitt: I have already dealt with finance. The matter will be kept under review if the risk increases and preparations step up. On community hospitals, it is for the national health service locally to examine the configuration of services and ensure that they continue to be improved so that we deliver the best possible health care with the best possible value for taxpayers' money.

Mr. Adrian Sanders (Torbay) (LD): I am glad to hear the Secretary of State stress several times the need for vulnerable groups such as older people to have their flu jab, but is there not a need for a Government information campaign that makes it absolutely clear that we are talking about three different threats to health: seasonal flu every year; avian flu, which is not yet established in this country; and a pandemic that may or may not happen in this country? Do we not need to make sure that it is clear in the public mind that there are three separate issues? I fear that some of the media coverage is confusing the public and making the right hon. Lady's job more difficult.

Ms Hewitt: We ran this year's information campaign on seasonal flu earlier this month. We are using Department of Health and other agency websites to disseminate a great deal of accurate information about the three different issues—seasonal flu, avian flu and potential pandemic flu. We shall continue to broadcast that information as much as we can, especially through the briefings that the chief medical officer and other experts give to the media and, through the media, to the public. On Thursday, when we publish the updated pandemic contingency plan, we shall also make available to GPs communication materials to go directly into their surgeries.

Patrick Mercer (Newark) (Con): The right hon. Lady has made it clear that the threat has been known about for a long time. Would she therefore be kind enough to explain why funding for the Health Protection Agency was cut earlier this year?

Ms Hewitt: The simple answer is that I do not know. However, it was probably the result of our continuing determination to reduce administrative costs throughout the public sector. If it was something else, I shall write to the hon. Gentleman and let him know.

Personal Statement

4.8 pm

Mr. Stephen Byers (North Tyneside) (Lab): With your permission, Mr. Speaker, I wish to make a personal statement concerning the evidence I gave to the Transport Select Committee at its hearing on 14 November 2001.

As the House will be aware, the High Court has recently heard the case of Weir and others *v.* Secretary of State for Transport and the Department for Transport. The action was brought on behalf of the Railtrack Private Shareholders Action Group. Their claim was for misfeasance in public office and concerned decisions I had taken in relation to Railtrack when I was Secretary of State for Transport. The central allegation made was that, by refusing to grant further taxpayers' money to Railtrack and by petitioning the court for its administration, I had shown targeted malice toward those holding shares in Railtrack. It was claimed that, as a result, I had committed a deliberate and dishonest abuse of my powers as Secretary of State by impairing the value of their shares in Railtrack without paying compensation and without the approval of Parliament.

Last Friday, the High Court delivered its judgments in the case and found in favour of the Secretary of State for Transport and the Department for Transport. In the process of giving my testimony to the High Court, I was cross-examined on the evidence that I gave to the Transport Select Committee at its hearing on 14 November 2001. In particular, my attention was drawn to the reply that I gave to a question from the hon. Member for Epsom and Ewell (Chris Grayling). That was question 857 of the Select Committee evidence. The hon. Gentleman asked whether there

"was there any discussion, theoretical or otherwise, in your department before 25 July about the possibility of a future change in status for Railtrack, whether nationalisation, the move into a company limited by guarantee or whatever?"

In reply, I said:

"not that I am aware of."

It was pointed out to me in court that that answer was inconsistent with the documents that had been disclosed to the court. I must inform the House that my reply was factually inaccurate. However, I must also tell the House that I did not intend deliberately to mislead the Select Committee. I would like to explain to the House what happened.

On coming into office after the 2001 general election, I received a wide range of briefing papers covering all aspects of my Department's responsibilities. A number of these papers related to the railways. As a consequence, I asked for an options paper on the future of Railtrack to be drawn up. Initially, this was to be done solely by my Department but subsequently I asked that it be carried out jointly with the No. 10 policy directorate and the Treasury. At the time, I regarded the commissioning of this work as simply sensible contingency planning. However, it is my request for this work to be carried out that I now recognise could be interpreted as a discussion, and that would make my reply to the Select Committee factually inaccurate.

A critical meeting took place on 25 July when the chairman of Railtrack outlined to me the financial difficulties that the company faced. It was only after that meeting that substantive discussions began about the possibility of changing the status of the company.

Since the court hearing, I have thought long and hard about why I gave the answer that I did to the Select Committee. Having reviewed the documents that were put before the court, it would have been because I considered the meeting of 25 July to be the moment at which discussions began and that the commissioning of work to be carried out on the future options for Railtrack did not represent discussions in the true meaning of that word.

I want the House to know that I did not lie to the Select Committee and that I did not deliberately mislead the Select Committee but that due to an inadvertent error I gave factually inaccurate evidence to the Committee. I deeply regret that this has happened. I wish to offer my sincere apologies to you, Mr. Speaker, and to the whole House.

Chris Grayling (Epsom and Ewell) (Con): On a point of order, Mr. Speaker. As you will have heard from the statement of the right hon. Member for North Tyneside (Mr. Byers), I was the person who asked the question that is the subject of discussion today. I listened extremely carefully to what he has just said. I have also studied again the transcripts of what was said at the time as well as documents that are now available to us. I do not accept and I am not satisfied with his explanation and I seek your guidance on how to press the matter further.

Mr. Speaker: The hon. Gentleman has heard the statement by the right hon. Member for North Tyneside (Mr. Byers). The best thing that he can do is reflect on it. If he is unsatisfied, he should come to the Speaker's Office and speak to the Speaker's secretary.

Orders of the Day

Transport (Wales) Bill

Not amended in the Standing Committee, considered.

New Clause 1

CROSS-BORDER PROVISION

'(1) The section applies to those transport services that begin or end in Wales but which pass through England during the course of the route.

(2) In exercising its powers in relation to section 7(1) in respect of any service to which subsection (1) applies, the Assembly shall consult the Secretary of State.'.—*[Bill Wiggin.]*

Brought up, and read the First time.

4.15 pm

Bill Wiggin (Leominster) (Con): I beg to move, That the clause be read a Second time.

With this provision, we seek to ensure that cross-border issues are dealt with definitely and effectively. We have argued the point several times throughout the Bill's progress in relation to a number of issues. Although some aspects have been suitably discussed and assurances given—I am certain that the Under-Secretary of State for Wales believes that his Government can protect the interest of English border travellers—we still have no definite proof that the Bill will work as the Government anticipate. We are trusting them on the Bill. The responsibility to ensure that it works for the benefit of the people of Wales, and not just according to Rhodri Morgan's unreasonable agenda, is firmly in the hands of the Government, although I have considerable reservations. On the BBC's morning programme, "Dragon's Eye", Rhodri Morgan gave his opinion of the Welsh Development Agency argument, saying:

"Mr. Hain can express personal views, but in the end who has the responsibility? Who has the responsibility in Wales? It's us, it's the Assembly."

Can we really trust Mr. Morgan to deal with cross-border issues reasonably and to listen to the views of the Secretaries of State for Transport and for Wales? Even if the Minister assures us that there will be collaboration and discussion, what real powers will the Government have to argue with Rhodri Morgan if he insists that the Assembly has total control over those transport issues in Wales?

The splits between Westminster and Cardiff have never been more obvious or more serious not only for policy development, but for the best interests of the people of Wales. I agree with the Secretary of State that the WDA is a worldwide brand and that the advice to take a long hard look was both sensible and responsible. However, although he said that the WDA is the most successful economic development agency in the world Rhodri Morgan told ITV Wales:

"Yes, but it's not a matter for him. This is a devolved matter."

ITV Wales asked:

"It doesn't bother you that the Cabinet Minister representing Wales is unhappy with your reform?"

Rhodri Morgan replied:

"Well, if it's a devolved matter it's a devolved matter, I don't know how often I have to repeat this. If it's a devolved matter it's a devolved matter, it's not a matter for the Secretary of State for Wales. I can say that 64 times, 64,000 times, 64 million times, I don't mind. The answer will always be the same."

I find that attitude extraordinary.

Chris Bryant (Rhondda) (Lab): The hon. Gentleman is trying to make mischief. Does he truly believe that it would be better to have complete indecision in the process with two sets of people trying to make decisions on the same issue? Does he realise that the Judicial Committee of the Privy Council is the only forum in this country for reconciling differences when the law is not clear where the responsibility lies? That can hardly be where he wants such issues to be resolved.

Bill Wiggin: The hon. Gentleman is usually a sensible chap and I am always happy to accept interventions from him. However, this problem is particularly worrying, because the Bill allows the Assembly to take responsibility for cross-border travel. It allows discussions between councils in England and the Welsh Assembly, but it is not clear who would finally adjudicate. He represents the interests of his constituents at Westminster, but no one in the Welsh Assembly represents my constituents. I am sure that the Minister will assure me that I need not worry about that difficulty, but the First Minister's attitude makes me worried about the Bill and about to whom people travelling to and from Wales across the border would have recourse.

Chris Bryant: The hon. Gentleman said that he particularly enjoyed giving way to me, so I am glad he has given way a second time. I know how consistent a man he is. He still seems to be arguing that there should be two people in charge of the same policy. If their views happened to be different, the only means of reconciling them would be by reference to the Judicial Committee of the Privy Council. Surely he is not suggesting that rail services on the borders of England and Wales should be decided by that body.

Bill Wiggin: No. The hon. Gentleman should read the new clause. It seeks to ensure that any dispute would be referred to the Secretary of State for Transport. I am grateful for the hon. Gentleman's intervention. He is right.

How can we be certain that the Minister's promises in Committee or in the House today will be as helpful as we all want to believe they will be? We still have no explicit assurances in the Bill that English local authorities will have useful recourse to a Secretary of State in Westminster in the event of problems in the creation of local transport plans or in the implementation of policies on transport crossing the border. We are still unsure what form discussions between English and Welsh authorities will take, particularly the Welsh joint transport authorities.

We have no guarantees that people in England who use Welsh transport will be able to make effective representations to the public transport users committee for Wales. I still have deep concerns that people who live in authorities just outside Wales will have to suffer

a long and drawn-out route of representation to the Assembly, if they are represented at all. It is bad enough that English local authorities must make representations to a Secretary of State who then makes representations to the Assembly, but it is unforgivable that there is no certainty of that occurring effectively.

Given the obvious trend in the opinions of the leadership of the Assembly, I wonder whether we should have taken a far less trusting approach to the Bill. I tabled the new clause to ensure successful cross-border and Westminster-Cardiff relations as regards transport in Wales.

Lembit Öpik (Montgomeryshire) (LD): Until I heard the comments of the hon. Member for Leominster (Bill Wiggin), the Conservative spokesperson on Welsh affairs, I had assumed that his new clause intended consultation with the Secretary of State for Wales, but it seems that he means the Secretary of State for Transport. Will he clarify that?

Bill Wiggin: The hon. Gentleman is right, depending which was the more appropriate Secretary of State. Constituents who live outside Wales must have an opportunity to be represented, as they are in the House but not in the Assembly.

Lembit Öpik: From the way in which the new clause is framed, it is not clear to me that that is the intention. The vagueness in the drafting could cause problems, but I am grateful for the clarification.

Bill Wiggin: I hope that the Minister will give us assurances to allay my fears, but I appreciate the hon. Gentleman's comments on the drafting.

Lembit Öpik: I thought of little else during the weekend. If I had been able to call the hon. Gentleman on Friday, I might have enjoyed my Saturday and Sunday more, but now I am relieved and Wales will breathe a sigh of relief after his remarks.

I understand the hon. Gentleman's concern, which we discussed during the Bill's earlier stages, but I am worried about the consequences of accepting new clause 1 as it stands. We all agree that there have been terrible problems with public transport in Wales, as in the United Kingdom. I agree that the Labour Administration in Wales have not done much to resolve the legion problems created previously by the Conservative Government. We have a serious transport problem caused by two Governments of different colours.

The new clause is really about cross-border provision and I look forward to hearing what the Minister has to say about that. I do not share the concerns of the hon. Member for Leominster, because it would be inconceivable for significant investment decisions to be made without pretty much automatic recourse to cross-border discussion. Any significant investment will necessarily involve a degree of negotiation between the Welsh Assembly and the Administration in Westminster, because a clear understanding of the financial jurisdiction of those two Administrations would have to be ironed out. That could not take place unless one had a fairly sophisticated and high-level strategic discussion beforehand.

Another reason I am not as worried as the hon. Gentleman is that there are plenty of precedents for this in other aspects of cross-border relations. All the work that we have done to deal with flooding in mid-Wales and with the considerable problems that we have with health has required a high level of cross-border discussion.

I have previously highlighted the risks involved in framing legislation on the basis of the current political environment. The hon. Gentleman gave his views about the individuals who are currently in charge in Wales. I ask him to look forward to another occasion where the strains might be even greater. Let us say that from 2009 to 2050 there is a benign Administration led by the Liberal Democrats in the Assembly and also in Westminster.

Bill Wiggin: Get real.

Lembit Öpik: Make it 80 years, then. Let us say that, after that time, there is a sharp divide between an Administration of one colour in the Assembly and one of another colour in Westminster, who would nevertheless have to negotiate about the matters that I mentioned. Subsection (2) of the new clause would be a green light to a significant division whereby the process of consultation could be used to hold up recommendations and decisions made by the Welsh Assembly. I understand the hon. Gentleman's concerns, but I am worried that his new clause could increase the likelihood of mischief where two Administrations from two parties seek to obstruct the progress of the other.

The Parliamentary Under-Secretary of State for Wales (Nick Ainger): I am grateful to the hon. Member for Leominster (Bill Wiggin) for trusting the Government on this. I hope to persuade him to withdraw his new clause, for reasons that I argued in Committee when we debated his amendment No. 1. I shall bear it in mind that everybody wants to conclude our proceedings as early as possible—especially Conservative Members.

The new clause would require the Assembly to consult the Secretary of State for Transport if any passenger transport service that it secures using the powers in section 7 ran through England. I appreciate the concern of the hon. Member for Leominster regarding the cross-border implications of the Bill, which we have debated at length. As I said in Committee, the transport network in Wales is part of the wider UK network, and such issues cannot be ignored when considering the need for additional passenger services in Wales. The power in clause 7 will allow the Assembly to secure public transport services to meet transport requirements within Wales that would not otherwise be met. As such, the Assembly envisages that the power will be used sparingly to fill significant gaps in service provision. If such services were to run through England—which, if anything, is likely to benefit passengers from England because we are considering additional services—it is inconceivable that the Assembly would fail to consult the Secretary of State for Transport as a matter of course.

[Nick Ainger]

4.30 pm

Let me reiterate the point. The hon. Member for Leominster said that he wanted to trust the Government on the matter. I have put it on the record that it is inconceivable that the Assembly would fail to consult the Secretary of State for Transport for what would be additional services for English passengers.

Bill Wiggin: The Minister is doing a grand job of dealing with my concerns. He has talked about additional services. In view of the obvious breakdown of relations between the Secretary of State and the First Minister, may I ask who would adjudicate if, for example, the Secretary of State for Transport was asked for a lot of money during consultation on a new service that was to cross the border into England? Who would determine such matters?

Nick Ainger: The hon. Gentleman has now raised a different matter. The Bill is clear that, in the case of any additional service that passed through England as a result of a policy that the Welsh Assembly developed, the Assembly would fund the part of the service that was in Wales. However, the fact that the route continued into England and possibly returned to Wales—a possibility on the border—would not place a requirement on the Department for Transport or a local authority to fund that part of the service. Clearly, such a service depends on the support of the Assembly. Clause 7 deals with that. We are considering services that do not currently exist and that local authorities are not willing to support, for whatever reason, but for which there may be a strategic need, identified by the Assembly. The Assembly would therefore fund them. It would not expect any other authority in Wales or in England or the Department for Transport to contribute to that service. I hope that that has reassured the hon. Gentleman and I therefore ask him to withdraw the new clause.

Bill Wiggin: I am grateful to the Minister for dealing with the new clause and for taking my intervention. I am satisfied that the Bill covers the problem, especially since he was sensible and kind enough to emphasise the additional services, about which I was concerned.

I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Order for Third Reading read.

4.33 pm

Nick Ainger: I beg to move, That the Bill be now read the Third time.

The Bill, which received its Second Reading on 16 June and was considered in Standing Committee on 28 June, will enable the Assembly to take forward its integrated transport strategy by providing it with a comprehensive and coherent set of transport powers. It is an example of the sort of measure that could, in principle, be taken forward by the Assembly if the legislative proposals laid out in the "Better Governance for Wales" White Paper were already in force.

The Bill's objectives have been widely welcomed by all who have been involved in its scrutiny. It was first published in draft on 27 May 2004. Local authorities, regional transport consortiums, Assembly-sponsored public bodies, transport authorities, police and fire authorities, representative bodies and interest groups, utilities and transport operators were among those consulted on the draft Bill.

The Assembly received 48 responses following the publication of the draft Bill, including comments from a wide range of public and professional groups including the Disabled Persons Transport Advisory Committee, the Confederation of Passenger Transport and the Welsh Local Government Association. Of the 135 recommendations and comments received on the text, 60 were comments of general support, while six recommended amendments to clauses relating to rail that were subsequently removed. In total, 14 recommendations made as part of the public consultation were accepted, and subsequent changes were made to the draft Bill.

The Bill has also been scrutinised jointly by the Welsh Affairs Committee of this House and the Assembly's Economic Development and Transport Committee. Those meetings, which were the first time that a House of Commons Committee had formally met a Committee of a devolved Administration, demonstrated an innovative and progressive approach to pre-legislative scrutiny. The Bill was further debated in the Welsh Grand Committee in July 2004 and received widespread support. Indeed, the Bill has consistently received cross-party support, which was reflected in its smooth passage on Second Reading and in Committee. The thorough, detailed debate in Committee covered a wide range of issues and generated a high level of consensus.

I am grateful for the co-operation of the hon. Member for Leominster (Bill Wiggin) and other hon. Members on the overall aims of the Bill. However, that did not prevent detailed and vigorous discussion and a thorough examination of all its provisions. The Government did not table any amendments, and 18 of the 20 Opposition amendments discussed in Committee were withdrawn following an in-depth debate. Two Opposition amendments were lost on a vote.

In Committee, the hon. Member for Leominster asked me to reflect on a number of questions before Third Reading. The first was whether a local authority in England that objected to the draft transport strategy during the consultation process would be able to make appropriate representations to the Assembly. I would like to reiterate the point that I made in Committee that if such a situation arose, an English authority could make representations to the Secretary of State for Transport, who in turn could make representations to the Welsh Assembly and the Assembly's Economic Development and Transport Minister. However, one of the main purposes underlying the Bill is that local authorities in England whose areas abut Wales should be involved in the development of the Wales transport strategy, and that the strategy should work for people on both sides of the border.

The hon. Gentleman's second question was whether local authorities should have regard to their current commitments when drafting their local transport plans. As I mentioned in Committee, I cannot envisage a situation arising in which local authorities would develop policies to be included in such plans that did not take account of their existing commitments. However, those commitments should not be the main factor in

developing local transport plans, which should evolve over time to take account of external factors and the changing needs of Welsh communities and businesses. Local authorities should not be restricted by current commitments, which will, in turn, also develop and evolve in line with the strategy.

The third question that the hon. Gentleman asked me to consider was whether a direction given by the Assembly to two or more local authorities to enter into joint working arrangements could result in increased costs for those authorities. The Assembly works in partnership with local authorities when developing its policies, and it will therefore consider how additional costs arising from any extra responsibilities imposed on local authorities will be met. I can reassure the hon. Gentleman that, under the partnership agreement, the Assembly would recompense local authorities for any additional functions they may take on, and that it is therefore unnecessary to include any provisions in the Bill in relation to that.

I was also asked to consider the wording of clause 5(5), which provides that local authority members must form the majority of any joint transport authority in relation to defining the quorum of a joint transport authority in the Bill. I have given careful thought to this suggestion. The Bill already states that at least half the members of a joint transport authority will be members of local authorities. It is not for us to specify here what the quorum would be, as any order of the National Assembly for Wales setting up a joint transport authority will specify that as well as detailing the composition, financing and functions of the authority.

While we are discussing joint transport authorities, it may be helpful if I make clear that it will not be possible to create a joint transport authority whose area extends outside Wales. I am sure the hon. Gentleman will be pleased to hear that. I hope that I have been able to deal with his concerns, and that he is content with the explanations that I have given.

The public transport users committee for Wales was discussed in some detail in Committee. I repeat that it will be independent of the Assembly, and will have autonomy to make a real difference for users of all modes of public transport in Wales. The London Transport users committee continues to be an effective representative of the views of public transport passengers in Greater London, and I see no reason why the Welsh committee should not function in the same way.

I pay tribute to my hon. Friend the Member for Clwyd, South (Mr. Jones), who chaired the Welsh Affairs Committee, to parliamentary colleagues, and to the Assembly for the scrutiny that it conducted when the Bill was published in draft. I also thank my hon. Friend the Member for Aberdeen, South (Miss Begg) for her chairmanship of the Standing Committee. She supervised the proceedings in a thoroughly professional and very expeditious way.

The Bill will enable the Assembly to start delivering its vision for an integrated transport system for the whole of Wales, particularly as it will place a duty on the Assembly to develop and implement policies for the promotion and encouragement of safe, integrated, sustainable, efficient and economic transport facilities and services. I commend it to the House.

4.42 pm

Bill Wiggin: I echo the Minister's kind comments about the Chairman of the Select Committee, and indeed the Chairman of the Standing Committee. Their help and hard work were greatly appreciated.

I think we are all familiar with the problems and issues that have been present throughout the scrutiny of our proposals. As the Minister said in Committee, the Bill is not about more powers for the Assembly, but about responsibilities for developing policies and strategies for the benefit of transport in Wales. However, the Assembly's responsibility to implement the policies as well is just one of the aspects that have created problems that are still present. We should all like to see positive changes in the delivery of transport services in Wales, and I am sure that everyone here hopes that the Bill will achieve them. Yet since the outset we have had a number of concerns, which remain unsolved to an extent. They were addressed in Committee, but we must be sure that the Government are genuinely committed to living up to the assurances they have given.

In Committee, the Minister admitted:

"There may well be severe problems developing policies within Wales."

If that is what the representative of the Government feels about the Bill's prospects, it is not really surprising that we too have our doubts.

In Committee we debated, at some length, the finer details of developing the Wales transport strategy. I suggested that perhaps the Bill should require the Assembly to consult certain bodies as a matter of course. We were reassured about our desire to see all groups with an interest in transport developments, from local businesses to disabled people's charities, being offered a genuine say in changes.

The Welsh Assembly's previous tendency to consult similar bodies on issues each time, and the criticism voiced about failings in the Assembly's Committee system to deal properly with scrutiny, mean that we shall watch the development of that aspect carefully. We shall have to ensure that, as we were promised in Committee, the Assembly really does consult as many relevant organisations as possible, including those more likely to give unfavourable responses when new policies and developments are considered.

The Minister also assured us that when the Wales transport strategy was being developed, cross-border issues would be taken fully into account. I think that he did that in his closing statements. I am grateful to him for taking on board the points that I asked him to consider, and for the way in which he responded.

We have considered the cross-border issue consistently. In Committee, we were assured that the Government would accept responsibility for negotiating on behalf of English counties, and that any English local authority facing problems as a result of the strategy developed by the Assembly could make representations to a Minister such as the Secretary of State for Transport. We will be watching closely to ensure that the reasonable procedure that the Minister outlined for consultation and adjudication in the event of an impasse is followed.

[Bill Wiggin]

We were also assured that the Assembly would work with organisations that span the border, such as the many train companies that operate throughout England and Wales. In Committee we were promised

"a great deal of discussion"

with organisations contributing to the network in Wales that are based outside Wales. I look forward to seeing the results of that, too.

In Committee, I stressed the need for local transport plans to be monitored to ensure that they were produced in reasonable time and stressed that, "as soon as practicable", the wording in the Bill, provides a closely monitored and sensible time limit. We were assured that no penalties were necessary to ensure the timely production of local transport plans and that local authorities must do as the Assembly says if it issues a direction regarding those plans. I was glad to hear the Minister confirm that and I hope that that will always prove to be the case.

We will also watch with interest to ensure that joint transport authorities are genuinely appropriately funded, neither forcing more responsibilities on to local authorities without suitable funds, nor becoming another example of waste and inept usage of Welsh taxpayers' hard-earned money. Despite assurances that the results of local authorities working together will be to produce savings rather than more costs, we must watch closely the impact of running a joint transport authority, which, sadly, is assumed will cost approximately £1 million per annum, in addition to £100,000 to £200,000 in set-up costs. The potential for the creation of costly administration and support teams, new quangos and more bureaucracy must be held in check. Financial controls operating in the Assembly must work to ensure probity when committing public funds and to ensure that those funds are appropriate and well placed. Indeed, I was grateful for the Minister's comments on that.

In Committee, we were informed that joint transport authorities cannot cross the border, but local authorities can be instructed to consult on matters with JTAs. The Minister mentioned that I would be pleased about that. I remain absolutely impartial. Of course, I want what is best for Wales but, if the JTAs are working particularly well we would like to see them in operation across the border, too. We must be certain to check that they are as good as we hope they will be when cross-border issues come into play.

We must also watch the practices of the public transport users committee for Wales, particularly on cross-border issues. In Committee, the Minister said that if those who live outside Wales have an issue relating to transport he

"would have thought that the committee would take up any representation that they made". [*Official Report, Standing Committee F*, 28 June 2005, c. 13, 8, 44.]

That does not seem to be a particularly definite or optimistic view on the ability of those who use Welsh transport to have a voice. However, I look forward to seeing a truly effective and representative committee of users of Welsh transport. I am sure that we will all keep a watchful eye on anything untoward should it occur.

We have debated in great detail the fact that the Bill gives the Assembly the ability to provide financial assistance only to services or facilities that would not exist without its help. We believe that the Assembly should be afforded the opportunity to help those services that can exist unaided even further. In certain cases, the Assembly should be given greater freedom to spend its money on whatever it believes to be the most beneficial recipient.

Perhaps that opportunity is most pertinent to aviation in Wales. I am sure that the Minister will remember that I said that I remain open-minded on the issue. Of course, it is advantageous to the Assembly to have the ability to fund air transport if it so desires, and those developments could have economic advantages for Wales, although that is far from proven. Obviously, the benefits to the Welsh economy must be considered.

David T.C. Davies (Monmouth) (Con): No doubt all Members will be pleased that my hon. Friend is so open-minded. Is he aware that the Liberal Democrat Welsh Assembly Member for South Wales West is less liberal on the issue? He said:

"I would far rather continue to improve pinch points on the A470 and A483 and use this money to subsidise a good rail service"

than put it into air services. Is not it about time that the Liberal Democrats got a coherent transport policy on this matter?

Bill Wiggin: My hon. Friend is right but I think he is over-optimistic if he thinks that the Liberal Democrats will ever have a coherent policy. I admire him for his optimism, just as I admire the hon. Member for Montgomeryshire (Lembit Öpik) for his endless enthusiasm for Liberal Democrat policies, despite their lack of coherence.

Lembit Öpik *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. I wonder if I could remind all hon. Members that we are debating the Third Reading of the Bill, rather than a particular party's transport policy.

Lembit Öpik: It was exactly for that reason that I wanted to ensure that the hon. Member for Leominster (Bill Wiggin) would never accuse me of being anything other than utterly consistent in my support for aviation transport.

Bill Wiggin: The hon. Gentleman is absolutely adamant about his admiration for air transport. We are all worried about whether the Assembly is spending its money in the most effective way for the people of Wales. We would like the Assembly to have the flexibility to help services that could exist but might need aid, which might be a better use of the Bill. The hon. Gentleman has been consistent in his desire to see flying in Wales, and he goes gliding at the weekend as well. No one could be more committed to gravity than he is.

The benefits to the Welsh economy must be considered, and we need definite answers as to how many people would use and benefit from Welsh air transport and on the comparative benefits of developing

better road and rail services. The Assembly consultation document on intra-Wales scheduled air services suggested that a maximum of 80 direct jobs and 120 indirect jobs would result from such provision. I am not yet convinced that the estimated £800,000 required to subsidise air transport in year one and the £400,000 to upgrade facilities at Valley airport could not be better spent elsewhere. The need for subsidies to begin air transport services in the first place raises the issue of whether these services would be workable in the long term.

In the first quarter of this year, the number of passengers using Cardiff international airport slumped by 19 per cent. and it is possible that only 400 passengers a week might use flights within Wales. We must be sure to keep an extremely watchful eye on these developments and make sure that if subsidised services demonstrably fail, they do not turn into an expensive failure for Wales.

Several more important issues must be considered and monitored if and when the expansion of air travel occurs. We know that short-haul flights are particularly damaging to the environment. By 2050, aircraft will be one of the biggest single sources of greenhouse gases. Indeed, greenhouse gases from aircraft rose by almost 90 per cent. between 1990 and 2003. In Wales, carbon dioxide emissions have risen from their 1990 levels, making a great contribution as the Government, sadly, head toward missing their carbon dioxide emission targets. With the Government meant to be tackling climate change so seriously, there seems to be something of a contradiction in condoning a further increase in air transport in the UK, especially when the need for it or the number of those who favour it is far from proven.

The use of money on such a clearly unsustainable form of transport must continue to be monitored and scrutinised very carefully, especially when the Government are putting so little funding and effort into research towards development for cleaner fuels for air transport.

During the progress of the Bill, we have sought to test the Government's intentions and have received many valuable assurances. I am sure that we all look forward to seeing those put into practice. We have drawn attention to the various anomalies and problems present in the Bill and I still have some doubts about several aspects. But I hope that the Act truly creates safe, integrated, sustainable, efficient and economic transport facilities and services throughout Wales and look forward to seeing its positive effects making a real difference for the people of Wales.

4.54 pm

John Smith (Vale of Glamorgan) (Lab): I rise to speak briefly in support of the Third Reading of the Bill, which I warmly welcome. I congratulate all those involved in guiding it through the House.

Unlike the hon. Member for Leominster (Bill Wiggin), I am a big supporter of Cardiff international airport. I should like to place it on record that despite the reduction in services experienced earlier this year, Cardiff remains the fastest growing regional airport in the UK and is on target to reach the aviation White Paper's target of a quadrupling of throughput of passengers by 2020.

Bill Wiggin: What led the hon. Gentleman to come up with the extraordinary accusation that I am not a supporter of Cardiff airport?

John Smith: I am sorry, Madam Deputy Speaker. Perhaps I misunderstood the hon. Gentleman, but I thought that in placing on the record the decline in passenger services this year, he was attacking the growth in short-haul flights and the increase in air travel.

David T.C. Davies: Is the hon. Gentleman aware that the Welsh Assembly Member for South Wales West, Alun Cairns, has done a huge amount in the fight to get a bypass to Cardiff airport from the M4?

John Smith: I have campaigned on the issue of surface access to Cardiff international airport for the past 20 years, and I am completely unaware of any proposal for a bypass.

Importantly, the Bill will enable joined-up thinking on how we can tackle what is probably one of the most important transport issues affecting Wales. Its powers and provisions—the hon. Member for Montgomeryshire (Lembit Öpik) will support me on this issue, given his long background in campaigning for the Welsh aviation industry—will enable suitable surface access to Cardiff airport. However, the numbers will not grow in the way that I mentioned earlier if this issue is not addressed seriously and quickly. I hope that the Bill will help in that regard by bringing together all the players involved in the provision of vital access to the airport, in order to help find the quickest possible solution to this problem.

I welcome the opening earlier this year of the Vale of Glamorgan railway line, which was a huge step forward not just for my constituency but for transport policy in Wales as a whole. It provides an excellent commuter run all the way from Bridgend—my hon. Friend the Member for Bridgend (Mrs. Moon) is not present—to Cardiff via Barry; and, vitally, it provides a direct link to Cardiff international airport via Rhoose Point. So people will be able to travel by train nearly all the way to what is the fastest growing regional airport in the UK, and will need to take only a short bus journey from Rhoose Point station. But with the best will and according even to the most positive predictions, that line is unlikely to carry more than 10 per cent. of all the passengers using the airport. That presents a huge problem in terms of congestion on the roads surrounding the airport and people's ability to get to it. If that problem is not solved first, we will not be able to achieve the tasks set out in the White Paper.

Mr. Nigel Evans (Ribble Valley) (Con): I agree with the hon. Gentleman that we need all possible links to Cardiff Wales airport to ensure that the numbers using it are boosted. But does he not agree that the Welsh Assembly Government should have pulled their finger out a long time ago by working with everybody to ensure the creation of that link road? Will he also carry

[Mr. Nigel Evans]

on campaigning with Conservative Members to ensure that British Airways comes back to Cardiff Wales airport?

John Smith: It certainly is absolutely outrageous that British Airways took its regional services away from the airport. That said, I am absolutely delighted that bmibaby not only replaced those services but added to them substantially. It is British Airways that lost out by pulling out of the airport. This is a vital matter, and I agree that we must develop and enhance all routes to the airport in the interests not just of my constituency and the south Wales economy, but of all Wales.

Lembit Öpik: Does the hon. Gentleman agree that there is no long-term alternative to having a public transport link from the centre of Cardiff to the centre of the airport without the bus connection? Does he further agree that, although there are significant associated logistical and investment problems, in the long term the provision of such a link is the single most important thing that we can do to ensure sustainable connections to the airport?

John Smith: I want to think carefully before I answer that question. I believe that a direct link into the airport—a spur off the Porthkerry viaduct—that is integrated into the UK inter-city network would provide a huge advantage. In the longer term, that is clearly something that we should press for. Similarly, we should press for a direct link—not a bypass—from the airport through the A4232 at Five Mile lane and right through to the M4 at the Llantrisant junction. However, that is a long way off.

David T.C. Davies: Does the hon. Gentleman acknowledge that the only thing preventing that from happening at the moment is the Welsh Assembly Administration, which is run by his colleagues in the Labour party?

John Smith: I do not want to get involved in a childish tit-for-tat on Third Reading, Madam Deputy Speaker, when we have an important Bill before us. I am not getting into the business of knocking anyone; rather, I am in the business of providing Wales with a transport network that is the envy of the world. A network that integrates our air services would provide exactly that, because there is no example in the world of a successful economy generating and regenerating itself without a first-class international airport providing scheduled business flights throughout the world. That is exactly what we all should be striving for in respect of Cardiff international airport.

On both sides of the House, we should be campaigning for a direct rail link, just as we should be striving for a direct dual carriageway link to the M4 corridor, which would get us into the UK road networks. However, that is going to take years, if not decades, and the problem is that we cannot stand still on the issue.

I hate to use the example again—there is always a danger of highlighting the problems at Cardiff international airport, when it is the fastest-growing regional airport in the UK—but it was Digby Jones as director-general of the CBI who described the existing road from the M4 corridor to the Cardiff international airport as the only such airport road in the world on which one could get stuck behind a milk float for nine miles.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): How can Cardiff airport be the fastest growing in Europe if passenger numbers are falling?

John Smith: I did not say in Europe, Madam Deputy Speaker. The hon. Gentleman is obviously not listening and not interested in the debate. I said that it was the fastest growing airport in the UK, as defined by growth over the last five years—not on the basis of one quartile assessment, the findings of which have been abused to bash the airport this afternoon. We must act immediately and I believe that the Bill may well help us to do so. That is why I am speaking in favour of it this evening.

Proposals have been put forward by the Welsh Assembly Government and are under consideration right now. However, it must be stressed that this is a short-term measure to try to tackle the problem that Digby Jones referred to. We are talking about a tiny road, one of the most congested junctions in the whole of south Wales, at Culverhouse Cross, and then mini-roundabouts that currently have to be negotiated all the way to the airport. We will not be able to develop our airport as long as that type of access continues.

You will be delighted to hear, Madam Deputy Speaker, that I have it on good authority that Catherine Zeta Jones is going to be delighted. When flying into Cardiff to visit her home in Swansea, she has often complained that she cannot easily get from the airport on to the motorway. She has, in fact, been using the "Zeta Jones shortcuts"—down the Five Mile lane, cutting across through the country lanes to Pendoylan. The Welsh Assembly Government have proposed trunking the A4232, Five Mile lane, and the trunking of a short section of the A48 as an interim measure to try to tackle the problem of the congested existing road that feeds the airport.

Mr. Evans: I am devastated by the news that the hon. Gentleman has brought us about Catherine Zeta Jones. Perhaps she could ask her husband to fund the project.

Madam Deputy Speaker: Order. Once again I remind hon. Members that we are discussing Third Reading of the Transport (Wales) Bill.

John Smith: I am extremely grateful for that ruling, Madam Deputy Speaker, because I would not want to answer that question.

Proposals have been put forward. As I understand it, they are still out to consultation. They are temporary, immediate proposals to try to ease the problem of access to the airport. They are not satisfactory. The upgrading of Five Mile lane is a blessing and is welcome, because it is one of the most dangerous stretches of road in the country. The maintaining of the A48, if properly done,

may improve the situation. Sadly, however, the local authority, the Vale of Glamorgan county council, has completely shelved the proposals to—

Mr. Crabb: Who runs that?

John Smith: I have no wish to go into that. My concern is to meet the challenge and improve access to the airport, which is what everybody from all parties wants.

Bill Wiggin: The hon. Gentleman is absolutely right. All parties want that, but it is not covered by the Bill. Responsibility for roads is already devolved. The second problem is that existing successful businesses will not be eligible for the sponsorship that the Bill allows. Those businesses will not get more money. Only businesses that do not exist, or cannot exist without the necessary funding, will be eligible for the funding that the Bill makes possible.

John Smith: My understanding is that the Bill strengthens the powers of the Welsh Assembly Government to direct local authorities and other providers of transport strategies and transport provision. That is exactly the point. We have a ridiculous situation in which the Welsh Assembly Government have put forward an interim measure to help alleviate the problem of getting to Cardiff international airport and the local authority has dumped plans to upgrade the existing road, the A4050, the north-east access to Barry. That is vital not only to the future development of the airport but to the future development of Barry town. Barry has been left out of the transport loop by the proposals.

David T.C. Davies: Does the hon. Gentleman agree that there is clearly a problem in funding those local authorities?

John Smith: My understanding is that the increase in funding to Welsh local authorities has been substantial over a number of years. How local authorities decide to spend the money has until now been entirely a matter for them. My hope is that under the Bill more pressure will be exerted on irresponsible local authorities such as the one that has shelved one of the most important road building proposals in my constituency.

I hope that the Bill will put that right. It is the hope of everybody in the House that the Bill will put that right and that the local authority will put a vital road back into its roads strategy so that we can improve the links to our airport, which will benefit everybody in Wales. That is why I support the Bill tonight.

5.9 pm

Lembit Öpik: I left my office in Montgomeryshire at 10.20 this morning and, thanks to the years of under-investment by the hon. Member for Leominster (Bill Wiggin) and his colleagues and the failure to turn things round in the past eight years, I arrived in Westminster at 3 pm. It took a little short of five hours, with four extra station stops, three trains, two delays and one cancellation. In fact, the only thing that prevented me from losing my temper was the nice man at the information desk at Birmingham International, who said he thought that I should be the next leader of my party and then spoilt it by adding, "Good luck in tomorrow's ballot." *[Interruption.]* I say that not to seek sympathy—or the nomination of the hon. Member for Leominster—but to give a small and pertinent example of how badly our transport system needs to be sorted out.

Rail services in Wales and across the UK have been allowed to decline in earnest since the 1970s. British transport policy for the last three decades has been confused and ineffective, and the result is that we all have to put up with overpriced and unreliable services. By comparison, to make the same journey by car as I made by train today would have taken a little less than four hours, door to door. While it is a hassle to drive, at least people know that they will get where they want to go. That is the biggest single reason why so many people choose to drive instead of taking public transport.

Transport problems have plagued Wales for a long time now. A lack of good-quality local public transport is a great opportunity for the Assembly to show that it is better than Westminster at solving some basic problems. The Bill does not provide the answers, but it will enable the Assembly to do just that. The problems need to be solved because they have a direct impact on business. Transport problems in Wales have undoubtedly caused serious harm to the national economy. They have accentuated the two-paced nature of the Welsh economy by inhibiting growth across much of the country—the areas that are difficult to access. Of course, rural—mostly western—areas have suffered most.

Transport problems also affect the quality of people's lives. They have hit rural areas such as mid-Wales particularly hard, and the most vulnerable people hardest of all. Pensioners in Powys are caught between a rock and a hard place: either they roll the roulette wheel of local public transport and hope they do not get stuck, or they take their cars, bear the brunt of sky-high petrol prices and add to congestion.

The Bill is to be welcomed as a new chapter for Welsh transport, and I hope that it will mean brighter times ahead. However, it also provides a great opportunity in the third dimension. We could finally establish a modest but important inter-Wales air network. The signs are good. The long talked-about expansion of Welshpool airport is to go ahead, which is a good example of what can happen when the case is argued with the Welsh Development Agency, the local authority and the Assembly. The facts showed that the expansion would be a good economic investment, with no terrible environmental consequences.

While the expansion seems a small step, it hints that we may be reaching a point at which we can begin to capitalise on the potentially great advantages that a developed Welsh air network could bring. The nature of the Welsh landscape is such that on many routes, air is the swiftest, and most convenient, means of travel. We should not ignore the possibilities.

I always listen with interest to what Conservative Members say about air transport. Much is made of the environmental and economic costs of short-haul flights,

[Lembit Öpik]

but that debate usually involves Boeing 737s, which are large 100-plus seater aircraft, which would not be used for trips from north to south Wales.

David T.C. Davies: The hon. Gentleman listens to what we say about air transport, but has he listened to what his colleagues say about it? The Welsh Assembly Member for Cardiff Central has said:

"North-South Air-links are a good idea in principle, but the number of people who want to travel to the North West of Wales is limited."

Lembit Öpik: That does not contradict what I am saying; in fact, it fits in with my point exactly. No one will ever run a Boeing 737 from Anglesey to Cardiff because there are not enough people to justify it. However, as my Assembly colleague said, there is a limited demand for that service. Obviously, it is preferable to make journeys by rail, for example, where that is feasible and effective, but unless it is Conservative policy to build a direct rail link from Anglesey to Cardiff, the only sensible way to provide a fast connection between north and south Wales is by air.

We are looking at small numbers of passengers in some cases, and it is small aircraft that could provide us with the backbone of an effective, quick means of getting from A to B. A Piper Chieftain can easily take eight passengers—perhaps nine at a push—from north Wales to Cardiff in as little as 50 minutes. As for environmental consequences, such a flight would take about three gallons of fuel per person—less than that used by eight or nine people each driving themselves from north Wales to south Wales and back again. We know that oftentimes people drive because they have to get from north to south and the railways would take far longer.

Mr. David Jones (Clwyd, West) (Con): Has the hon. Gentleman made any assessment of the demand for such a service? I recall that in 2003 Air Wales started a service between Cardiff and Liverpool, which is far closer to the large population centres in north Wales, and it closed within six weeks because of a lack of demand.

Lembit Öpik: I can tell the hon. Gentleman that we have made some limited assessment of demand, although it is notoriously difficult to do so because, with air services, demand often follows supply rather than the other way round. The hon. Gentleman is now asking me about an area about which I perhaps know too much, but as he has asked, I will answer.

In 1997–98, when the right hon. Member for Neath (Mr. Hain), now the Secretary of State for Wales, and I were considering these matters, it seemed that there was potential underlying demand, but in my judgment it will justify not 100-seater aircraft but something that will take one or two dozen people. There is a well established precedent: in the south of Ireland a strategic decision was taken to connect the country with a regional air network. That has been fabulously successful in driving the economies in those areas, many of which have a relatively small population, because they can now be quickly accessed by business people.

When I was working for Procter and Gamble in Newcastle upon Tyne—

Madam Deputy Speaker: Order. I know that the hon. Gentleman has extensive knowledge of this subject, but perhaps he could return to the Third Reading of the Transport (Wales) Bill.

Lembit Öpik: My very next words were to have been, "and that is why the Third Reading of this Bill is so important to air transport in Wales." I apologise for digressing, Madam Deputy Speaker, but I get very excited about aircraft. The brief opportunity to sit down has calmed my spirit.

Returning to the specifics of Wales, I say to the hon. Member for Clwyd, West (Mr. Jones) that, in implementing the Bill, we have to make an informed assessment of what is feasible for air transport in the medium term. That ties into something that I need to clarify about my view of how the opportunity to support and fund regional aviation in Wales should be approached. I would be very resistant about taking the opportunity provided in the Bill to have an indefinite subsidy for aviation services. Although I can understand, at a push, that people even more fanatical than I might argue for that, it is my judgment that the best investment that this Bill provides is pump-priming. At Welshpool airport, the infrastructure is being built; nevertheless it would not be prudent for the Welsh Assembly to end up in an open-ended commitment to subsidise air transport that would necessarily be the domain primarily of business customers and perhaps a few wealthy private travellers. I agree with those who think that we must not place an enormous strain on Welsh expenditure by entering into something that we do not understand. The good news is that the Bill does not require that to happen, but does require some sensible investment.

I agree with the hon. Member for Vale of Glamorgan (John Smith): we have a hub airport in the form of Cardiff. Although we have to think about the macro-environmental effects of aviation overall, that is no reason to hold Cardiff back. All of air transport must start living up to its environmental responsibilities. In that context, we should all agree that if Wales is to prosper and be an attractive centre of investment and tourism, we have to ensure that Cardiff international airport is well connected internationally, as well as internally in terms of land transport. I associate myself with the hon. Gentleman's comments in that respect.

Those who question the benefit of aviation should remember that all the parties have proved its advantage. All the party leaders have been seen flying about the country. The right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was seen in his small helicopter, cruelly referred to by some of my colleagues as the batmobile. That shows that everyone who wants to travel quickly and can afford it tends to use aviation.

Although the Bill provides a good opportunity to discuss the infrastructure developments needed for Wales to establish its own regional air network, other matters, not directly related to the Bill, need to be considered. There are questions, which I shall not go into in great detail, about the use of American-registered

aircraft in Wales and the UK as a whole, and the instrument rating and other qualifications that are required in the UK compared with the United States. I am glad to be able to inform the House that the Under-Secretary of State for Transport, the hon. Member for Regent's Park and Kensington, North (Ms Buck), has agreed to meet me and MPs from other parties to discuss those issues. I am optimistic that that will smooth the way to using the opportunities created by the Bill to the full.

I hope that the scepticism that I have heard from the hon. Member for Leominster and others does not suggest that they oppose the Airbus developments in Hawarden. The A380 is the single most significant civil airliner being constructed in the world today and I am proud of the fact that that development is taking place in north Wales. I strongly support the environmental benefits that it will bring in terms of reducing emissions while carrying the same number of passengers as other aircraft.

Mark Tami (Alyn and Deeside) (Lab): I am glad that the hon. Gentleman has made that point, because there was a great deal of concern when Mr. Isherwood, the Assembly Member for North Wales, questioned the legality of repayable launch investment, in a clear attempt to undermine the project.

Lembit Öpik: It is a shame that people do that. We have enough trouble with Boeing without having enemies in our own ranks. I hope that, to use a phrase from another time, it was merely a moment of madness. *[Laughter.]* That, Madam Deputy Speaker, was also a rhetorical point.

Overall, we should aim to create a regional air network but, coming back to earth, we should recognise that the single most environmentally friendly way to make long-distance journeys is by rail. Rail is also a vital tool of regeneration for deprived areas, so it must be the centrepiece of transport reforms. Many people have written to me on the subject, and I am sure that other hon. Members have had the same experience. To mention only one, the Very Reverend Archimandrite Father Deiniol has discussed rail infrastructure extensively. I hope that the Assembly will take a strategic decision to support the long-term investment required in rail infrastructure. That will be expensive. The Bill does not provide the funds; it merely provides the opportunity and gives the Assembly the freedom to discuss the issue meaningfully.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I hope that the hon. Gentleman agrees with me that improving rail services across the border in England would benefit his constituents and that he will help me to secure a direct rail link from Shrewsbury to London.

Lembit Öpik: In normal circumstances I would criticise hon. Members who come late into a debate. However, as I happen to agree with the point that the hon. Gentleman has made, I thank him for making the effort to come from his office to highlight the fact that cross-border rail links are important. For example, it is a shame that one cannot take a direct service from Aberystwyth to Euston, going through the constituency of the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski). I look forward to working with him to try to persuade politicians, rail providers and service providers that these links should be made available and that they should be bolder in running such services for rather longer to enable demand to increase. For example, I think that Virgin was premature in abandoning a service that had made it as far as Shrewsbury, only for it to be closed down.

Huw Irranca-Davies (Ogmore) (Lab): Will the hon. Gentleman applaud the initiative linked to the powers in the Bill that allows the Welsh Assembly, with Arriva Trains and Network Rail, to reintroduce from the humble Llynfi line a train that from November will run all the way from Maesteg to Gloucester? That is the joined-up, cross-border thinking that we look forward to under the Bill.

Lembit Öpik: The hon. Gentleman probably knows a little more about that service than I do. However, once the flow lines are in place, demand tends to follow. For so long, there has been under-investment in the British rail network and its services have been slashed. As a result, people have become accustomed to making journeys in a different way. I am encouraged that the Bill gives the Welsh Assembly the opportunity to make courageous decisions of the sort that the hon. Member for Ogmore (Huw Irranca-Davies) has described.

On a local level, the more integrated approach that the Bill encourages and advocates is both welcome and necessary. Our vision should be of a co-ordinated network where bus and rail services complement rather than compete with one another, and where local authorities work together to increase efficiency and ease the burden of bureaucracy.

An important omission in the Bill is that of accessibility. A report entitled "Mind the Gap", produced by Disability—Leonard Cheshire—highlighted the fact that many disabled people still experienced enormous problems accessing public transport. For example, nearly half of all the disabled people surveyed had found their choice of jobs restricted as a result of lack of accessibility to the transport that they needed to get to that employment. Nearly a quarter of those people had had to turn down a job offered because of a lack of accessible transport.

Improving the accessibility of transport for disabled people means more than free bus passes. They must be able to get on and off the transport that is available to them. If there are only a few trains a day, they need to be able to board those trains. More progress is needed in that area. One omission—I criticise myself in this instance—is that we did not think sufficiently through disability discrimination legislation and its implications for Welsh transport. I hope that the Welsh Assembly will make good what we omitted.

The Bill provides the framework to take Welsh transport forward. The hope is that the Government in Cardiff succeed where successive Westminster Governments have failed. Westminster Governments have shown themselves incapable of delivering a reliable and affordable public transport service. It is not integrated and it is not working well. The Assembly has the capacity to be more responsive to Welsh needs and to make the rail, bus and air system in Wales work. That

[Lembit Öpik]

system is not working so well in Britain. The Liberal Democrats have been grateful for the opportunity to discuss these matters. I hope that we shall be successful in convincing the doubting Conservatives of the benefits of a limited air network in Wales, and that there can be optimism that the Assembly will run with the powers that the Bill confers.

5.29 pm

Mrs. Siân C. James (Swansea, East) (Lab): I welcome the opportunity to support the Bill's Third Reading. We know that transport to, from and within Wales is extremely important. We must ensure that we are never at the end of the line in any way, shape or form. We must be at the forefront of all forms of transport and ensure that they are of the highest quality for the citizens of Wales.

The coherent set of powers that the Bill will provide for us will ensure a positive future. It will be a future where all forms of transport can become integrated. That will enable us to achieve many of the things that we all want from our rail passenger, bus transport and air services. We want sustainability; we want to achieve modal shift; and we want to get people back into using public transport. We want to make sure that more freight uses various forms of freight transport. We must make sure that we compete not only in Wales but in the UK and Europe. We therefore need consistent services, and we must achieve the best transport services possible.

Those opportunities are much needed in Wales. The Bill makes provision for joint transport authorities and adopts a regional approach. People can therefore identify what is required locally to meet their daily needs. The National Assembly for Wales will provide a flexible public transport service that will plug the gaps, and that will depend on joint working on local transport plans.

Huw Irranca-Davies: Does my hon. Friend agree that the Bill could lead to much more joined-up bus networks, which are sorely needed in the valleys and her constituency of Swansea, East? Getting local authorities and bus providers to work together across valley tops is vital for job creation if nothing else.

Mrs. James: I agree. We are already working together in Swansea, East and west Wales on projects such as SWWITCH—the South West Wales integrated transport consortium—to achieve that modal service.

On air transport, please forgive me, Madam Deputy Speaker, for mentioning Catherine Zeta Jones again, but she is a great supporter of local airports. When she visits Swansea she always uses Fairwood airport, and is a great ambassador on our behalf all over the world. The consultation and worries about it across the border are important. The Bill, however, will improve transport provision and ensure that dialogue is always open. We need to talk Wales up and discuss what is achievable. We need to be at the forefront by establishing a public transport system that is the envy of the world. We can achieve that identity for Wales if we are able to talk up our services, and the Bill is the first step in that journey.

5.32 pm

Mr. David Jones: Like my hon. Friend the Member for Leominster (Bill Wiggin), I broadly welcome the Bill, but I have concerns about its implementation in the hands of the Welsh Assembly, which, in the years since its inception, has shown itself to be an increasingly acquisitive and centralising body.

I have two primary concerns about the Bill. First, clause 5 provides for the establishment of joint transport authorities. The power to establish such authorities is permissive, not mandatory. The Minister was at pains on Second Reading to stress that the Assembly will not be obliged to implement the power conferred by the clause. However, once it is conferred, the Assembly may be tempted to exercise it as a matter of course, which would clearly be wrong. Local authorities throughout Wales are already working in collaboration through consortiums such as Taith in north Wales and SWWITCH in the south-west. The consortiums are mostly working effectively, so it would be regrettable if the Assembly usurped their functions without very good reason indeed.

Hywel Williams (Caernarfon) (PC): Far be it from me to defend the Minister or anyone else but, if memory serves, I seem to recall that those powers are to be used when local voluntary arrangements have broken down or are not working satisfactorily rather than being something that the Welsh Assembly would use as a matter of course.

Mr. Jones: That is not what the clause provides for. The power exists, and that might prove too much of a temptation for the Assembly. I mentioned my reservations on Second Reading, and I remain concerned that clause 10 contains powers for joint transport authorities to impose levies on local authorities. If those are imposed, they will filter through to council tax payers in the form of additional council tax. The establishment of a joint transport authority should be a last resort, and only if the Assembly is satisfied that, without it, it would not be possible to discharge the general transport duty set out in clause 1. I hope the Assembly will not do that without proper consultation and serious consideration of the views of local authorities and all other proper consultees.

My second major concern relates to clause 11, which provides for financial assistance for air transport services starting or ending at airports in Wales. We have heard much about that this evening. It is clear from the debates on Second Reading and in Standing Committee, as well as the debate that has developed in the National Assembly, that the thrust of the clause is to help promote an intra-Wales air service, primarily between north and south Wales. That would be an expensive exercise and I must express severe reservations about it.

There has been much discussion about the possibility of developing part of RAF Valley for commercial aviation services. The concern is that Valley is situated in one of the least populous areas of Wales, remote from large or even middle-sized centres of population. That is obviously a sensible place to locate a military airbase. I understand that at one time Valley had the second highest number of air movements in the whole of the UK, but it is not the logical place to site a commercial airport.

Despite what the hon. Member for Montgomeryshire (Lembit Öpik) says, the sad truth is that north-south air services have a history of failure, as I mentioned in my intervention on him. The Air Wales Liverpool-to-Cardiff service was launched amid much fanfare towards the end of 2003, and six weeks later it shut down, blaming a lower than average take-up rate.

Mark Tami: Does the hon. Gentleman accept, though, that Valley would serve north-west Wales? North-east Wales is served by Manchester and Liverpool, so its needs are adequately served from the English side of the border, whereas there is no service available in north-west Wales.

Mr. Jones: Yes, I agree. What the hon. Gentleman says supports my argument. If an established airport such as Liverpool, which has an existing infrastructure and which is much closer to the large centres of population in north Wales, cannot support a route between north and south Wales, it will be extremely difficult for a smaller airport such as Valley to support such a service.

My hon. Friend the Member for Leominster (Bill Wiggin) has produced figures that tend to indicate that the potential cost of subsidy in the first year of establishing Valley would be about £800,000. The likely capital cost of upgrade would be £400,000. That is a major subsidy from public money. The Assembly should be very careful before it commits public funds to such a heavy subsidy. It should do so only if it is entirely satisfied that there is a good commercial case for that. The people of Wales would be dismayed if that level of public subsidy ended up subsidising the movements of civil servants and politicians between north and south Wales.

Lembit Öpik: Perhaps we are approaching consensus. If a business case can be made for investment in the infrastructure of an airport that would benefit a part of Wales, would the hon. Gentleman be sympathetic to it? Does he acknowledge that that is exactly what we have done in our analysis with regard to Welshpool airport, where a six-figure sum has been invested in the belief that sufficient economic benefit will accrue to the area to justify the expense?

Mr. Jones: I have no objection to the provision of what the hon. Gentleman called pump-priming money. A reasonable business case could be made for that. My concern is that clause 11 potentially envisages an on-going public subsidy year on year. The people of Wales would resent that bitterly, particularly if it were primarily to subsidise the movement of politicians and civil servants between north and south Wales. That would be most regrettable.

If the Bill is enacted, the Assembly will have to utilise the powers given by clause 11, and all the other powers, judiciously and sensibly. I hope that it will exercise those powers wisely and not simply continue the process of sucking up powers from local authorities and spending public money on projects that do not meet the needs of the people of Wales.

5.40 pm

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): I am grateful for the opportunity to make a few remarks about the Bill before it goes to the other place.

In introducing the Bill to the House on Second Reading, the Secretary of State for Wales concluded by saying:

> "A world-class transport system for Wales is vital to our future economic and social development."

On that we can all agree. There has been widespread agreement and consensus on the aims of the Bill in our discussions on Second Reading and in Committee.

Economic success, even in this age of iPods and e-boundaries, is still underpinned by high-quality transport networks that allow the safe, efficient and economical physical movement of people, goods and services. The Secretary of State went on to say that he believes that the Bill

> "will enable the Assembly to deliver integrated transport for the whole of Wales."—[*Official Report*, 16 June 2005; Vol. 435, c. 420.]

Last December, the Assembly's Minister for Economic Development and Transport, Andrew Davies, announced his 15-year transport review, saying that his proposals will create a fully integrated, effective and world-class transport infrastructure throughout the country. There are big claims and worthy aims coming from this House and from Cardiff bay on the subject of transport in Wales, but the principal question in my mind is to what extent the Bill will lead to a step change in the quality of the transport network affecting my constituents.

Pembrokeshire is home to two ferry ports providing passenger and freight links to Ireland, and the fourth largest seaport in the UK. It is currently seeing the construction of two of the world's largest liquefied natural gas facilities. Pembrokeshire is one of Wales's premier tourist locations, and it lies on the strategic trans-European network linking Ireland to the European continent. Yet for all that, it has dismally poor transport connections. A train journey from Milford Haven to Cardiff can take the best part of three hours. I have spoken before about the serious need to upgrade the A40 west of St. Clears into Pembrokeshire; by that, I mean dualling. Pembrokeshire people therefore have every right to ask what the Bill will do fundamentally to alter the transport scenario that affects them. I hope that I am proved wrong, but I suspect that the answer that comes back will be pretty thin. I am happy to be made to look foolish on that.

The backdrop to all the measures in the Bill, and the factor that will determine whether Wales is to have a truly world-class transport network, is investment—significant and strategic investment targeted at projects that will unlock wealth and opportunity. However, the fiscal outlook, with the Government's existing spending plans becoming less affordable by the day, means that such investment is unlikely to be forthcoming on anything like the scale that is needed. There is a danger that the Bill will give the Assembly new powers and responsibilities to create grand transport strategies on paper and allow it to create new bureaucratic arrangements for ensuring consistency across transport planning in Wales, while the transport plans become empty and meaningless because of a lack of funding and poor implementation.

[Mr. Stephen Crabb]

I turn to two of the concerns that I raised on Second Reading, which were dealt with to some extent in Committee. I suggested that clause 2 should place on the Assembly a clear duty to consult business organisations when drafting the transport strategy. I still think that that is important. Why should not the private sector be regarded as an equal stakeholder alongside the public sector in the drafting of a transport strategy? That does not mean trying to prescribe which specific organisations should be consulted. A broad duty could have been framed requiring the Assembly to consult organisations representing people carrying out business in Wales, as happens under other similar pieces of legislation—for example, the requirement on the Greater London Assembly to consult business.

At a meeting with representatives of small businesses in my constituency 10 days ago, concern was again expressed about how seriously the Assembly engages the business community in genuine consultation. Road haulage and the wider freight sector were mentioned as examples of subjects about which the Assembly needs to improve its understanding. The Minister tried to give reassurances about that on Second Reading and in Committee but, ultimately, it will be out of his hands. I take the point that he made in Committee about the spirit of partnership in which the Assembly goes about consulting, but I would rather place my faith in a clear statutory duty than rely on the spirit of partnership.

When the First Minister can come to Pembrokeshire, as he did several months ago, and question the economic case for dualling the A40 west of St. Clears, one has to wonder whether any genuine dialogue takes place with the business community outside Cardiff bay. Almost to a man and woman, the business community in Pembrokeshire—not only the road haulage sector—supports dualling the A40. However, Andrew Davies's 15-year transport strategy disappointed Pembrokeshire's hopes, and no dualling is envisaged for at least 15 years.

The other concern that I raised on Second Reading was the proposal to raise taxpayers' money to support—

Madam Deputy Speaker : Order. I remind the hon. Gentleman that we cannot have a repeat of Second Reading. We are now considering Third Reading.

Mr. Crabb: I apologise. Several people have expressed concern about the proposal to use taxpayers' money to support a daily air service between Anglesey and Cardiff. I shall not go into detail about that because it has been adequately covered. I was reassured by the recognition of the hon. Member for Montgomeryshire (Lembit Öpik) that we need to move to a position not of continuous subsidy of an air service but of more strategic use of the money to invest in developing infrastructure and airport facilities. I would support that.

I am slightly worried that some of the environmental questions that have been legitimately raised by organisations such as the Royal Society for the Protection of Birds Cymru and Friends of the Earth have been glossed over. No one has mentioned the principle of the polluter pays. It would be interesting to see how that fits into the context of subsidising air services. Ultimately, the air service will be small scale for high-value individuals, companies and public servants.

I do not object to the notion of sensible transport planning at Assembly level. However, I am somewhat sceptical of the value of grand transport strategies on paper when there is no real investment stacked behind it. Hon. Members may remember the Prime Minister's declaring in his first annual report in 1998 that the integrated transport strategy for the UK was "delivered". Delivering words on paper is all well and good but what matters for transport is funding, tough and correct choices of competing infrastructure projects and the ability to manage them ruthlessly to completion.

I hope that my worries prove groundless and that the Bill, along with other measures, does exactly what its salesmen have claimed for it in the House.

5.48 pm

Hywel Williams (Caernarfon) (PC): I was glad to take part in the long, drawn-out and detailed consideration of the Bill, and I am equally glad to take part in the conclusion of its passage through this House.

I have always been struck by a paradox about the hon. Member for Leominster (Bill Wiggin) and his detailed consideration of border issues. I am a Welsh nationalist and a Welsh speaker from what could perhaps be termed the wild west of Wales, and he is an English Conservative and Unionist, yet he seems much more concerned about the border than me. Perhaps he will explain that to me later over some refreshment.

David T.C. Davies: In the Conservative and Unionist party, we believe that we are all part of one big happy family in one united country. That is why my hon. Friend the Member for Leominster (Bill Wiggin) is so concerned about what happens in Wales.

Hywel Williams: I thank the hon. Gentleman for that. Earlier, the hon. Member for Montgomeryshire (Lembit Öpik) prayed in aid his experiences on the train to London today. Such experiences have unfortunately sometimes made me into a driver rather than a reluctant passenger. One of my regrets, which was discussed with the Minister some time ago, is the specific exclusion from the Bill of mainline services from Wales to England. As I said then, people on both south Wales and north Wales routes use mainline services in Wales as local services. It is regrettable that those mainline services were not included.

Historically, Wales has suffered great difficulties because of the lack of an integrated transport system and policy. The best transport links in Wales have always been built through Wales from east to west rather than directly serving the specific needs of the country. Obviously the A55 and the M4 are great engines of economic prosperity, but we now need to look beyond the narrow corridors around those two roads, and to plan and develop a variety of transport systems to serve the whole of Wales. I must note my disappointment at the spatial plan that has been produced for Wales, which also seems to restate a preference for those two corridors in the north and the south, apparently ignoring much of the middle of Wales.

We need a system that will serve the transport needs of all the people of Wales in terms of the economy, social use, tourism—the latter has not been mentioned a great deal, but it is very important in my constituency—and agricultural requirements. The Bill goes a long way towards meeting those long-term aims, and it is very welcome. I hope that, when it is enacted, it will allow the National Assembly to co-ordinate and ensure consistency between all forms of public transport and, importantly, to make key improvements to the road system—a point that I made in our earlier discussions—particularly in deep rural areas and on the north-south road route.

We also hope that the legislation will enable the continuation of improvements in freight rail use. The hon. Member for Montgomeryshire (Lembit Öpik) referred to correspondence that he had had with the Tad Deiniol from Blaenau Ffestiniog. I have also had that correspondence. We look forward to improvements on the line between Blaenau Ffestiniog and Llandudno so that freight can be carried, as that would lead to great economic improvements in that constituency and elsewhere. I am glad that the Bill recognises the importance of cycling and making proper provision for pedestrians. The Government very graciously acted on suggestions on those issues when they were pointed out to them, which will result in a great improvement.

Plaid Cymru welcomes the establishment of joint transport authorities, if and when there is a desire for them locally, and if the voluntary arrangements are not satisfactory. We are glad that the Government have agreed with the Welsh Affairs Committee—of which I continue to be a member—that the majority of members of the joint transport authorities should be from local authorities. That was a well-made point, and I am glad that the Government have responded to it. However, as a past and present member of the Welsh Affairs Committee, I have to say that it was disappointing to me personally that the Government refused to accept the Committee's recommendation that the transport commissioner's office be located in Wales. Perhaps we can take heart from the Government's assurance that that matter will be kept under review, and that the location of the office might be changed if there are further concerns about the accessibility of the commissioner in Wales.

The Bill contains many good points. It represents a positive step forward and we certainly welcome it.

5.53 pm

David T.C. Davies (Monmouth) (Con): I am grateful for this opportunity to add a brief comment to everything that has already been said. Before I do so, however, I should like to point out to the hon. Member for Montgomeryshire (Lembit Öpik) that Conservative Members have always recognised the importance of an integrated transport system and have always realised that, without such a system, there will be no economic growth. That is why successive Secretaries of State for Wales under the previous Conservative Government did so much to link the valleys of south Wales to the M4, and the areas of north Wales to the A55. Those Secretaries of State for Wales embarked on a huge road-building programme that brought inward investment, jobs and prosperity to corners of the world that had long been forgotten by the socialist local authorities that controlled them—

Madam Deputy Speaker: Order. I must remind the hon. Gentleman that we are discussing the Third Reading of the Transport (Wales) Bill, not its history.

David T.C. Davies: I am grateful to you for reminding me of that, Madam Deputy Speaker.

It is because we recognise the importance of an integrated transport system that, when we started to consider the Bill, we sought to deal with it in a constructive fashion. We certainly support its overall objectives. However, there is a missed opportunity in clauses 3 and 4, because very little has been said about safety. I appreciate that the hon. Member for Montgomeryshire briefly touched on the issue when he talked about the importance of international standards in aviation. The hon. Member for Ogmore (Huw Irranca-Davies) is also well aware that we must ensure that we have internationally recognised standards and that pilots are properly qualified. I feel very strongly about that, but I am not sure that we have adequately tackled the issue of road safety.

Mark Tami: What about caravans?

David T.C. Davies: I shall be more than happy to take interventions if anyone wants to discuss vehicles and what they tow behind them.

Wales has a problem, in that many people who travel long distances have to do so using trunk roads rather than motorways. Many of those trunk roads go straight through towns and villages. Sometimes speed limits are in place, but there is not nearly enough enthusiasm for ensuring that they are enforced. It could almost be suggested that some people who work in the police force would rather concentrate on catching large numbers of people who have just broken the speed limit, in order to get more money, and that they are less interested in putting speed cameras up on less well-used trunk roads where the impact of speeding could be far more dangerous.

Mark Tami: I am somewhat confused about the hon. Gentleman's view of speed cameras. I saw a grimace on the faces of his colleagues when he mentioned them. Is he in favour of them or against them?

Madam Deputy Speaker: Order. May I remind hon. Members on both sides of the House that, interesting though a discussion on speed cameras might be, it is not the subject of the Bill?

David T.C. Davies: I shall be happy to deal with that issue on a separate occasion.

I would like to talk about safety, and about why it is not mentioned in clauses 3 and 4. The Minister should do more to ensure that speed limits are brought down on trunk roads that go through towns and villages. If I drive over the border from Wales into the Forest of Dean or into Herefordshire, I am immediately struck by the fact that I am expected to comply with a 30 mph speed limit every time I drive through a town. That

[David T.C. Davies]

simply does not happen in Wales. I have been told on good authority by no less a person than a previous Minister in the Welsh Assembly Government that one of the reasons for that is bureaucratic inertia, and that nobody can be bothered to sort out the paperwork required to reduce the speed limit on a trunk road from 60 or 70 mph to 30 mph. That simply is not good enough. There are 4,000 people dying on our roads across the whole of the United Kingdom—as many as died in the tragedy of 11 September in New York. We must do more to reduce the number of preventable road deaths, and I see nothing in the Bill that will help to achieve that—

Madam Deputy Speaker: Order. I must remind the hon. Gentleman that, on Third Reading, we are discussing not what should be in the Bill but what is in it.

David T.C. Davies: In that case, Madam Deputy Speaker, this is probably not the moment for me to plead with the Minister to examine what is happening on the A449, but I hope to be able to do so on a future occasion.

I shall end by saying that we need an integrated transport strategy, but if we do not have a transport strategy that is safe, it will not be worth a torn-up bus ticket.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

SUPREME COURT (NORTHERN IRELAND)

That the Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 2005 (S.R. (N.I.), 2005, No. 314), dated 26th June 2005, a copy of which was laid before this House on 27th June, be approved.—*[Tony Cunningham.]*

Question agreed to.

CIVIL CONTINGENCIES

Ordered,

That the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005, (S.I. 2042), dated 27th July 2005, be referred to a Standing Committee on Delegated Legislation.—*[Tony Cunningham.]*

Police (Somerset)

Motion made, and Question proposed, That this House do now adjourn.— *[Tony Cunningham.]*

6 pm

Mr. Jeremy Browne (Taunton) (LD): I have prepared a four-hour speech for the occasion and I am delighted to be able to deliver it in full to the Minister and everyone else who chooses to stay for the duration.

On a more serious note, I am delighted to have secured a debate on the important issue of policing in Somerset. I start by paying tribute to the police in the county, and particularly to the chief superintendent of the basic command unit for my area, John Snell, and his team, with whom I have spent many hours on patrol in both Taunton and Wellington—the second town in my constituency—and also in the more rural communities. I have been impressed by their work and their commitment to their tasks.

Many indicators of crime have fallen in Somerset in recent years. No doubt the Minister will give some of the statistics when he responds, but let me say, in a spirit of consensus and magnanimity, that I welcome many of the Government's initiatives on crime reduction. I do not want to talk entirely negatively about what the Government have done. I have a lot of time for what the Prime Minister calls the respect agenda: I think that it accords with many people's neighbourhood concerns. I have been impressed by the whole initiative of police community support officers and the role that they can play in areas such as mine, and I am keen to see their numbers increased. I can vouch for the fact that, as long as they are an additional resource rather than a substitute for the regular police, they will make a considerable contribution to the communities that I represent and to others further afield.

The purpose of this debate is to take a slightly wider look at the situation in Somerset and across the Avon and Somerset force and, more specifically, to look at the changes in police structures in England and Wales. As all Members know, there are currently 43 police forces covering England and Wales, but the Government's drive is towards bigger regional police forces. On 19 September, responding to the report from Her Majesty's inspectorate of constabulary, the Home Secretary said that we needed bigger forces, possibly even as big as regional forces, because of the

"modern threats we face today".

He went on to identify three "modern threats" that are driving the agenda towards bigger and bigger police forces:

"terrorism, international drug and people traffickers, and financial crime gangs".

Those are the driving forces determining police structures across England and Wales.

On 16 September, Denis O'Connor of the HMIC had said in his report that a future policing environment would be characterised by

"widespread enterprising organised criminality, proliferating international terrorism and domestic extremism".

The conclusion that he drew from that new threat—the "modern threat" described by the Home Secretary—was that

"below a certain size there simply is not a sufficient critical mass to provide the necessary sustainable level of protective services that the 21st century increasingly demands."

He concluded that at least 4,000 officers were needed to respond to the so-called modern threats. According to the latest statistics relating to the 43 forces in England and Wales, only seven meet that criterion, although Avon and Somerset, the area that I represent, comes close with more than 3,000 officers.

The argument throughout, both from the inspector in his formal report and from the Home Secretary in his response, is that bigger is better in policing in England and Wales. The logical conclusion is that we will move towards forces that are as big as regional police forces. There is even a risk—I suppose some would regard it in those terms—of going further and having a national police force. Rick Naylor from the Police Superintendents Association said that going down to 30 forces was not sufficient and added:

"We want to see a single national police force".

There is an agenda of greater centralisation and a reduction in police forces.

The problem for people in the part of Somerset that I represent is that the Government seem to be entirely driven by an urban-centric model for policing. Ministers are based most of the week in London. Most Home Office Ministers represent constituencies in big urban conurbations, including the Minister who is present today. Home Office advisers are predominantly based in London. The leading police officers tend to be the chief constables of the big urban metropolitan police forces. The drive from the Home Office and the Government is towards seeing policing through urban perspectives.

What the Government describe as the modern threats—terrorism, people trafficking, drug smuggling—are, of course, important; I do not diminish the importance of those subjects. They would occupy anyone who was Home Secretary, or a Minister in the Home Office, but they are urban considerations. They are the considerations predominantly of people in London, Manchester, Birmingham and even Bristol, the other part of the area that I represent. However, they are not—this is my essential point—the key priorities of people living in Somerset.

Three issues are of particular concern to people in the area that I represent. As I say, terrorism is not among them, important though that is. The first is antisocial behaviour. People want more to be done about vandalism, graffiti, late night noise and unruly children in their estates. That is not just a big city issue. It is as much a medium and small town issue; it is even a village issue.

The second issue is binge drinking and all its associated problems. A good number of middle-aged people whom I have met in Taunton, which is after all the county town for Somerset, have said, "I am not going into Taunton after seven or eight o'clock in the evening." During the day, it is thronging with people of all ages but in the evening the streets clear and fill up again at seven or eight. I am 35 and, if I go out for a drink in Taunton town centre, I am often the oldest person in the town centre at that time." That is a big problem to do with quality of life. It may sometimes be a perception problem rather than a reality problem. None the less, it is a big priority for people in my area.

The third issue is visible community policing. Particularly in rural areas, people want to see police on the beat, on foot or on a bike. That is why community support officers are making a genuine contribution.

Those are the concerns of people in Somerset. They are not the ones that the Home Secretary lists: terrorism, international drug and people traffickers and financial crime gangs. We are fortunate that we do not suffer as much from those problems as people in big cities do, but those are the things that are driving the Home Office agenda. It is becoming a bigger, more remote and less accountable agenda of bigger, more remote and less accountable police forces.

Like so many of the Government's arrangements, the drive is towards heavily centralised services. When the Home Office looks at priorities for policing and at setting targets for police officers to meet, it tends to focus on burglary, car crime, street crime or robbery. All those are laudable targets but, again, they are relevant most to urban areas. In Somerset, in a typical week, there are perhaps three or four robberies. Robbery is an unusual crime in an area such as Somerset. In Bristol, there are about 50 robberies a week. I make the point because any police officer in a senior position looking to meet Government targets and to respond to the approach laid down for him or her by the Home Office will inevitably target their resources where they can have the biggest impact on those targets, and on those crimes that are designated as being most important by Ministers in cities making those decisions. Rural communities such as Somerset have a different agenda and a different set-up. I have talked about the areas of greatest concern to people in my area, but there are obviously less densely populated communities in Somerset than in the big cities and the population is generally older. There is a greater emphasis on reducing the fear of crime and on quality-of-life issues. There are fewer terrible crimes, but they are harder to measure and different from the urban agenda.

It is a common misconception that the police deal predominantly with crime. That sounds like a strange statement to make, but my understanding is that my local police spend as little as 20 per cent. of their time directly dealing with crime. So much of their time is spent on traffic accidents, missing persons, floods, trees falling, animals escaping on to roads or, as happened on Saturday, a float catching fire at Taunton carnival. Rural communities see the police essentially as an additional resource and emergency service. That might mean making sure that an older person has the food they need if it snows heavily; it might mean taking home a 14-year-old girl who has had an argument with her boyfriend.

Those are not necessarily the indicators that come out of the Home Office, which tends to see crime in very urban forms, but they are important to people living in rural communities such as Somerset. This agenda is particularly pertinent because, over the last three years, people in Somerset have paid more and more for their policing services. The police precept in Somerset, the third part of the council tax bill, has gone up by more than 50 per cent. in the last three years, which by any

[Mr. Jeremy Browne]

standards is an enormous increase. People are entitled to see that money being spent on the crime priorities in their community.

There is considerable unease in Somerset about the current Avon and Somerset force, which merges the predominantly rural county of Somerset with the biggest city in the region, Bristol. When people call Taunton police station with a problem, they get put through to an operator on the outskirts of Bristol. I rang Taunton police station to apologise for being 10 or 15 minutes late for a meeting but was unable to persuade the person on the switchboard 50 miles away, who was not aware of the circumstances of the police station, to put me through. Now, Taunton police station is closing at night, which is not a reflection of the priorities of my area.

We have what is essentially an artificial construct: a big city, Bristol, sharing a police force with Somerset. There is a case for giving Somerset its own police force that can deal with the priorities of the people living in the county, but I accept that that is not where the debate stands. The move of the Government is not towards more police forces, but fewer. If Somerset were to be merged with another area and we were to start from scratch, there is a strong case for it being amalgamated with Dorset, a similar, largely rural county with some medium-sized towns, rather than a big city such as Bristol.

We can have such discussions, but I am certain that what is not in Somerset's interests is a huge, monolithic regional police construct, designed to combat urban crime. I want to see policing in my area that is more responsive, more accountable and less remote.

Mr. David Laws (Yeovil) (LD): I congratulate my hon. Friend on his speech, all of which I agree with. Does he agree that, if the Government go for a big reorganisation of police forces in our region, there is a risk that that could distract attention and divert resources away from bearing down on crime, which has happened very impressively over the last couple of years in Somerset?

Mr. Browne: Real improvements have been made in tackling crime in Somerset. I have been impressed by the calibre of the police officers in my area, and I am sure that the same is true of the Yeovil area. I do not start from the assumption that everything is going wrong; what I want to ensure is that things continue to go right. My fear is that, if our approach to crime is driven by the urban model of a big city such as Bristol—or, worse still, by that of a regional force in, say, Swindon—we will fail to reflect the concerns of people on the ground in Somerset. After all, why should Somerset's policing priorities be driven by Home Office targets set in London? Why should the Government shape our police force to address urban crime priorities at the expense of rural ones? Why should policing in Somerset be directed from a big city remote from the population of the area that I represent, instead of by that area itself?

The people best placed to determine Somerset's policing priorities are the people of Somerset. They include Somerset's police and its directly elected politicians, and, most of all, its taxpayers, who are paying far more than ever for their policing. The Government's agenda is based on the belief that bigger is better—an approach that we see throughout the delivery of public services. But in policing, such an approach leads to too much emphasis on urban crime and to services that are too remote. The people of Somerset deserve to have their police taxes spent on their policing priorities. They tell me that they want strong community policing that is accountable, responsive and relevant to local needs.

6.16 pm

Mr. David Heath (Somerton and Frome) (LD): I congratulate my hon. Friend the Member for Taunton (Mr. Browne) on securing his first Adjournment debate. It is on what I consider, for obvious reasons, an extremely important subject, and the points that he made were extremely apposite not only to his constituency, but to mine and to that of my hon. Friend the Member for Yeovil (Mr. Laws).

My hon. Friend the Member for Taunton pointed out that Avon and Somerset is in some ways a strange construct. I know of no other police authority area that goes from one extreme to the other within its boundaries. Ours goes from the extremes of some ultimate inner-city areas—St. Paul's in Bristol, for instance—to the wild and woolly parts of Exmoor, in his constituency, and parts of the levels, in my constituency. The latter are the absolute antithesis of inner-city Bristol, which is itself a major crime city, as we recognise.

I have perhaps been involved with this issue for too long not to point out that the difficulty for any chief constable is that policing a conurbation such as Bristol is a real issue. Bristol is a major motor for crime not just within the confines of the city, but across the wider area. The drugs trade, which in Bristol and the neighbouring cities is linked to organised crime, is a major factor that any chief constable has to address. I understand perfectly well that petty and smaller-scale crime in Somerset is often fought on the streets of inner-city Bristol by dealing with the prevalence of the illegal drug trade—the motor for such crime—which is responsible for thefts and burglaries outside the city area.

As my hon. Friend the Member for Taunton eloquently pointed out, although people who live in the smaller towns in Somerset—and particularly in the rural areas—accept, as I do, the significance of that issue, they also want a minimum level of policing of their own areas. It seems to them—sometimes accurately and sometimes not—that there is a flight of criminal justice system resources away from rural areas and towards the cities, and that that flight puts them at a disadvantage.

I have spoken on Home Office matters on my party's behalf for some time, so I have been involved in the national debate on this issue. I have taken the view—it is also my party's view—that we have reached the point where we should recognise that there is a level of crime, international and national, that needs to be dealt with using resources that go beyond the area of an individual force. We would have liked the Serious Organised Crime Agency to have wider powers than are currently envisaged to deal with serious crime across the piece, so that chief constables can focus their attentions on local

crime and on keeping the peace in rural areas and small towns, which is an important part of policing that is not often mentioned. I understand exactly the point made by my hon. Friend about the palpable similarities between Somerset and Dorset in that respect. Had we been starting with a blank piece of paper, we might have arrived at a much better construct for policing. We do not start from that, however, and I also agree that I do not want the police to be distracted by large-scale reorganisation—other than perhaps in relation to dealing with national and international crime in a different way—from the things that they are beginning to address properly in our area.

I believe, and always have done, that the basic command unit is the most important element of policing. I have established, I hope, very good relations with Chief Superintendent Andy Marsh, based in Yeovil, who commands the district covering my constituency. I can see that the local focus that he and his colleagues provide is of immense importance.

While the BCU is the basic building block of policing, for it to work effectively we need to consider global numbers of police officers. Many years ago, when I was chairman of Avon and Somerset police authority—I say this on every occasion that we discuss policing, but I will not stop saying it—I went every year up to London, in the company of the then chief constable, David Shattock, to see the then Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), to say that we needed 200 to 300 more officers, and to be told that we could have none. We had a clear deficiency in manpower. My criticism of the Labour Government was that it took them a long time to react to that deficiency in Home Office spending and that they stuck for a long period to the previous Government's budgetary arrangements for policing. Over the past couple of years, that has changed, and I welcome it. We are seeing a few extra officers, but that is probably not equal to the public's demands to see many extra officers on their streets, as they imagine there are elsewhere.

The other welcome element is the introduction of police community support officers, which we advocated some time ago, and we agree with the Government on their important role, while emphasising yet again that they must not be a substitute for the properly trained police officer in patrolling our streets. They are a supplement, not a replacement. My constituency has had several PCSOs, whom I welcome and have worked with, and they provide welcome reassurance to the public through a uniformed presence on the streets, but there is a limit to what they can do.

Let me give the Minister an example. I had my advice surgery in Martock in my constituency on Saturday and, before I had even got into the market house in Martock, I was shown the damage that had been done the previous night—not for the first but the umpteenth time—to what is called the pinnacle in Martock and the public conveniences there. Inevitably, as Martock is not a big place, a small group of antisocial youngsters who are determined to make their mark on the village are responsible. The PCSOs have been engaged and constructive, but as local people point out, there is a limit to what they can do if they do not have the support and back-up of a community beat officer working with them to make their presence felt in the village, as they do not have powers of arrest. All that they can do is talk to the miscreants. We need both elements: visible presence, along with the back-up of omnicompetent constables carrying out their proper role. What worries me is that we do not always have both those elements.

I have argued for a long time that we must address what I call intelligent patrol—ensuring that police officers are seen in the right place at the right time in order to have the requisite deterrent effect. That sometimes means pub chucking out time; although if the Government have their way that is going to be a rather extended process in some of our communities. Pensions day activity is another area, which may also be disappearing under Government proposals. We need to deal with the needs of the community and ensure that they are policed in the right place at the right time.

We must also reduce the number of abstractions from local policing to force or national duties so that people can be assured that when they are told that they have a community beat officer team, that team stays working in their area and does not disappear somewhere else—to Bristol airport, perhaps, if there is a terrorist threat —a few months later. That is unacceptable to the people I represent in Somerset. We must also take steps to ensure that when we have enough police officers—we are not there yet—they are used in the most effective way. Sometimes, that means keeping them on the patch and ensuring that they have the facilities to do their job properly in rural areas.

I have argued for many years about the police cells in Frome, which are perfectly proper police cells, but are not used because the necessary custody suite officers are not available. The consequence is that if a police officer makes an arrest in Frome on a Friday or Saturday night, they have to travel up to Bath or down to Yeovil to put the culprits in a cell. That amounts to a minimum of a 45-minute drive in each direction, so the officer is off the street for at least one and a half hours. A conscientious officer will often take the view that the arrest should not be made because he believes that losing a minimum of an hour and a half, plus the time necessary for booking in the offender, is irresponsible, resulting in inadequate cover for the area.

Local magistrates courts are still under threat of closure and nothing we say to the Department for Constitutional Affairs seems to remove that threat. It is another problem that takes police officers out of their areas to accompany prisoners and provide evidence. Such demands take officers out of local communities, meaning that they cannot do their jobs properly.

I had a useful meeting with our new chief constable, Colin Port and was impressed by what he told me. He recognised immediately that Avon and Somerset force did not perform as well as he would like it to. He also recognised the problems that can result from one bad contact—perhaps when a member of the public tries to report a crime or support their local police. If people provide information to the police and no one gets back to them, or if they have reported a crime, and police are promised for the next day but do not arrive and no explanation is given, that can result in a serious loss of confidence in the police. That is likely to undermine not only that person's confidence, but that of everyone else he talks to in the following week or so. We need to deal with that serious problem.

[Mr. David Heath]

We need more officers in Avon and Somerset. We need them to be more locally based and we need them to perform in ways that are conducive to encouraging confidence among the local community. We need them to use their skills and powers in the most effective and efficient way, and we need the whole process of criminal justice in rural areas to be brought closer to the individual and to be seen to be effective. I fear that we are not yet there at the moment.

6.29 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I congratulate the hon. Member for Taunton (Mr. Browne) on securing this important debate, and he has raised a number of important questions. Two of his hon. Friends were also able to participate, and I was grateful for the constructive way in which they approached the issues.

The hon. Gentleman predicted that I would rehearse a number of impressive statistics about police numbers and crime falling in his area, and I shall not disappoint him. Those details are important, but I shall first reassure him, I hope, about the central theme of his and his constituents' concerns. He said three issues would concern his constituents above all others—antisocial behaviour, binge drinking and the need for visible policing. As he pointed out, I represent an urban constituency, but if I went out and about, as I do, and asked my constituents for their three issues of concern, many would name the same three. The context is different, and we need to understand the difference between policing a rural and an urban community, but many themes and concerns are broadly similar. I hope that that is of some reassurance to the hon. Gentleman, although I have no doubt not fully persuaded him of the merits of the Home Office team, which perhaps has slightly more experience in urban areas. I assure him that we understand the issues.

Overall, Avon and Somerset police has made significant progress over the past 12 months and continues to improve performance, largely owing to the hard work and professionalism of the officers and staff. Overall, crime is down 5 per cent. compared with the same period last year. Burglaries are down 14 per cent., and vehicle crime has dropped by an impressive 19 per cent. The hon. Gentleman argues, understandably and of course, from the perspective and for the interests of his own constituents, but the figures are encouraging, and specifically so for his area. The basic command units of Somerset East and West have higher sanction detection rates than the force overall, and Somerset East's should be particularly congratulated on its achievements in reducing burglary and vehicle crime by 29 per cent. and 27 per cent. respectively when compared with the same period last year.

As those figures show, the force continues to make strong progress in reducing crime and in tackling issues of real concern to local communities. The fact that the force has been able to make those achievements reflects on the efforts and commitment of local officers and, as the hon. Gentleman was generous enough to acknowledge, on the considerable investment that the Government are making in the police service. On a like-for-like basis, expenditure on policing supported by Government grant across England and Wales has increased by 27 per cent. in real terms since 1997, which is a cash increase of £3.7 billion, from around £7 billion in 1997 to £10.7 billion in the current year.

We have increased police numbers to record levels across England and Wales. Today, we have more than 141,000 police officers, which is 14,000 more than there were in 1997. We have more than 70,000 dedicated support staff. We also have 6,300 community support officers and are committed to increasing their numbers to 24,000 by 2008. As a first step towards that, last autumn we made available £50 million in new money to enable forces to recruit and retain 1,500 new community support officers.

Avon and Somerset police has benefited from that investment. At March this year, the force had 3,384 police officers, which is 395 more than in 1997. The former chair of the police authority, the hon. Member for Somerton and Frome (Mr. Heath), who told us that he used to come to argue for 200 or 300 more officers will be very pleased that that aspiration has become a reality following the investment that the Government are making. Avon and Somerset police also benefits from 144 community support officers and 396 special constables, which is an increase of 91 special constables over the figure of a year ago. I was pleased to hear the hon. Member for Taunton underline the important role that community support officers play. Yes, there are limits on their responsibilities, but they are very much part of the team and can make a considerable difference. The big increase in the number of special constables is an impressive reflection on the hon. Gentleman's constituents and those who wish to volunteer and make a contribution in that way.

Avon and Somerset police has received its fair share of the resources available this year. It is receiving £170 million in general grants, an increase of 4.8 per cent. or £7.8 million over last year. That increase is significantly higher than the minimum increase of 3.75 per cent. that we guaranteed for all forces, and is well above police pay and inflation increases.

On top of general grants, the force is continuing to benefit from a range of specific grants. Avon and Somerset is receiving around £14.7 million in specific grants and capital provision. The hon. Gentleman has expressed concerns that local police resources have been targeted primarily towards the Bristol area, perhaps unfairly in the view of his constituents. It is rightly a matter for the chief constable and the police authority to decide how best to deploy the available resources across the force area, taking account of local operational priorities. It is only fair to point out that the number of police officers covering the three Somerset basic command units has increased by almost 8 per cent., or 59 additional officers, since 2002, compared to an increase of just over 4 per cent., or 48 officers, for Bath and Bristol. Indeed, Somerset is comparatively well resourced overall, with 89 community support officers compared to 37 in Bath and Bristol.

The hon. Gentleman will know that since 2000–01 we have made extra resources available specifically to enhance the accessibility and visibility of policing in areas with the most widespread populations—the third of his three themes was high visibility for policing, and it is very important. Avon and Somerset is one of 31 shire

forces that have benefited from the annual £30 million rural policing fund. Avon and Somerset currently receives some £1 million a year from the fund, which is money that can be spent entirely at local discretion to promote policing in more rural areas.

I understand that Avon and Somerset has used its allocation to continue investment in, and to meet some of the ongoing costs of, the bobby van project, which provides extra security to vulnerable members of the community, especially those over 65, and victims of crime. The funds have also been used to help support the mobile police stations of the community support unit.

The hon. Gentleman put the issue of structural reform of the police service at the heart of his speech. The Government believe that it is a crucial step towards ensuring that our police service is equipped to meet the threats posed by terrorism, serious and organised crime, and civil emergencies, as well as the other important priority of effective neighbourhood policing. It is not a question of either/or, but of both. One must complement the other. We cannot deny that the horrific events of 7 July have raised the stakes and made it even more important to grasp the structural issue decisively. The Government cannot ignore the findings of Her Majesty's inspectorate of constabulary, which concluded, in a report published last month and to which the hon. Gentleman referred, that the 43 force structure is

"no longer fit for purpose".

Mr. Laws: It is understood that the position of some of the small forces may be affected by the review, but can the Minister say specifically whether the Avon and Somerset force is too small at present?

Paul Goggins: I shall come on to those issues, although I shall not say this evening whether I think that the Avon and Somerset force is too big or too small. We are placing the emphasis of the development of the new map of the force structure in the hands of local police authorities and others, so people at the local level can come forward with what they regard as a workable structure. Towards the end of the year, my right hon. Friend the Home Secretary will form his conclusions on the specific proposals. I will say something relevant to the hon. Gentleman's question in just a moment.

It is important to emphasise that the proposal for structural change and the specific issues raised by the review are ones determined not by Ministers and officials in the Home Office in Marsham street, however remote that may appear to be, but by the Home Secretary's independent, professional advisers on policing matters. HMIC's report "Closing the Gap" is the product of a detailed examination of the capacity and capability of all 43 forces to provide key protective services to national standards. We owe it to the public to ensure that all forces have sufficient capacity and resilience to counter terrorism and domestic extremism, to tackle serious organised crime, to undertake major murder investigations and to respond to public order incidents and civil emergencies.

In light of HMIC's conclusions, no responsible Government could fail to act, but as the inspectorate has made clear, this is not simply an exercise in redrawing boundaries on a map; in restructuring the organisation of the police service in England and Wales we need to reconfigure how services are provided. I know that the response of some to the HMIC report has been to ask, as the hon. Member for Taunton did, "What about local policing?" The hon. Gentleman is right to ask that question; it is a legitimate and important one. I put it to him that far from undermining local policing, restructuring is essential if we are to underpin neighbourhood policing.

The clear message from HMIC is that the demands now placed on forces by what are called level 2 threats—those of terrorism, serious organised crime and so on—are growing and, if nothing is done, will increasingly draw resources away from neighbourhood policing. HMIC found in its review that smaller forces are less likely to be able to cope with those demands and more likely to be swamped when a crisis occurs. Larger, more strategic forces will protect neighbourhood policing by ensuring that forces have the resilience to tackle crimes at all levels, minimising the need to take officers away from their important neighbourhood duties.

HMIC looked at a number of options for restructuring, but concluded that the creation of strategic forces with at least 4,000 officers or 6,000 staff offered the best business solution. Given that threshold, it seems highly unlikely that a stand-alone Somerset force—I know that the hon. Gentleman argued for such a force in his maiden speech—would meet the requirements. The Home Secretary has made it clear that he has no blueprint for forcing amalgamations; the initiative for the reform should be and is being driven locally by people who know their communities and the challenges faced by policing in each area.

The Home Secretary has asked all forces and police authorities to submit proposals for restructuring by the end of December. The local discussion of the options will be informed by the design criteria set out in the HMIC report, including such matters as size, geography, coterminosity with partner agencies, criminal markets and identity. The Home Secretary has made it clear that to minimise disruption the proposals should not subdivide an existing force between two or more new forces. There would therefore need to be exceptionally strong reasons in favour of the hon. Gentleman's suggestion of a Somerset and Dorset force, as that would mean subdividing existing forces.

Irrespective of whatever restructuring happens at force level, for most people the priorities of policing are and will remain, as the hon. Gentleman made plain in his speech, the local park, the town centre, the neighbourhood and the community. The Government and the police service recognise that and we are working hand in hand with the Association of Chief Police Officers to roll out accessible and responsive neighbourhood policing across all forces, including the hon. Gentleman's, by 2008. We want every community to benefit from dedicated, accessible and visible neighbourhood policing teams, led by police officers, but involving special constables, community support officers, volunteers, neighbourhood wardens, the security industry and others, and for communities to know who their local police officers are and how to contact them.

[Paul Goggins]

We see neighbourhood policing as the key to ensuring that mainstream local policing services are driven by neighbourhood and community needs, so that the people who are affected by problems of crime and disorder, and who are often best placed to find solutions that are right for their own area, have a real say in setting priorities. Neighbourhood policing is the principal focus of our policing agenda—using local knowledge and intelligence from local people to target crime hot spots and the disorder problems that cause local communities the most concern. Effective neighbourhood policing is about making a difference to people's quality of life. It will empower communities to have a real say in local policing issues and in setting local priorities. They will know who their local police officers are and how to contact them, and know, too, how well their police are doing locally in tackling crime and antisocial behaviour.

Neighbourhood policing means becoming more effective at crime reduction by working directly with local communities. It is about recognising that policing will be effective only when it is performed as a shared undertaking, not only on behalf of the public, but with the public. The public are more than users of services: they are stakeholders and they should be shapers of the way in which their neighbourhoods are policed. Our goal is a police service that is enabled to provide strong, planned, forward-looking protective services, based on the basic command unit structure, which is at the heart of local policing and which remains the key platform for the delivery of services.

The hon. Member for Taunton emphasised his concern about binge drinking and he has discussed elsewhere alcohol-related crime. With his constituent, John McClintock, he has championed the use of shatterproof glass in pubs in the area. I congratulate both Mr. McClintock and the hon. Gentleman on their success in that respect. I hope that they are satisfied that the new powers that will be rolled out under the Licensing Act 2003 and the measures that we propose in the Violent Crime Reduction Bill will give their local police force an even greater capacity to tackle that issue and defeat those who, often fuelled by alcohol, cause mayhem in our communities.

I acknowledge that crime remains too high in all our constituencies, but that is precisely why the Government have embarked on their ambitious reform agenda to help the police to focus on their key tasks and to work alongside local people as partners in building safer communities. I believe that that approach will benefit all our constituents, not least those of the hon. Member for Taunton.

Question put and agreed to.

Adjourned accordingly at twelve minutes to Seven o'clock.

House of Commons

Tuesday 18 October 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Devolution

1. **Miss Anne McIntosh** (Vale of York) (Con): What recent devolution issues the Advocate-General has considered. [17062]

The Secretary of State for Scotland (Mr. Alistair Darling): Before answering that question, I should mention that I am a non-practising member of the Faculty of Advocates. As it is more than 18 years since I last practised, I am probably a bit rusty on the law.

I understand that since 5 July—the last time that the hon. Lady asked this question—the Advocate-General has had 228 devolution issues intimated to her.

Miss McIntosh: I, too, am a non-practising member of the Faculty of Advocates, and I think that it is even longer since I last practised.

It has been customary when the Advocate-General has answered questions in the House that she tells us a little about the cases on which she has been consulted. Perhaps the Secretary of State would care to elaborate on that. Perhaps he would like to tell us why the Advocate-General has not yet spoken as Advocate-General in the House of Lords. We, in this place, would find that of great interest.

Because of our interest in the work of the Advocate-General, I am sure that—

Mr. Speaker: Order. The hon. Lady knows that supplementary questions should be short. If she will make her point in the next few seconds, I shall remain seated.

Miss McIntosh: What representations has the Advocate-General made on behalf of junior advocates at the bar about legal aid fees in Scotland?

Mr. Darling: I take it from what the hon. Lady said that she had no particular question to ask. Most of the cases are civil cases, and I think that the Advocate-General has written to the hon. Lady on that. If she wants to know the detail of the 228 cases—and this point applies to the whole House—it may be better for her to request that in writing, as it would take some considerable time to deal with them all at the Dispatch Box.

When the Advocate-General speaks in the House of Lords is a matter outwith my control. The conventions and procedures there are different and most of us struggle to understand them fully.

Legal aid is a matter for the Lord Advocate in Scotland. I know that there have been discussions north of the border, just as there have been south of the border, about how to make sure that legal aid is spent reasonably, while ensuring that people who are entitled to legal services get them.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I should first make it clear that I am not and never have been a member of the Faculty of Advocates—something of which I am immensely proud. I was only ever a humble solicitor.

Will not the role of the Advocate-General become increasingly important if Labour Ministers such as Malcolm Chisholm in Edinburgh put themselves at loggerheads with Home Office Ministers on issues such as the disgraceful practice of carrying out dawn raids on the families of asylum seekers whose applications have been refused? Surely that makes it more important that there should be some mechanism by which we can directly question the Advocate-General, rather than the second-hand examples that we have seen today.

Mr. Darling: First, I do not think that I have ever met a humble solicitor. For the sake of completeness and accuracy, I should say that I was a solicitor for four years before joining the august body that is the Faculty of Advocates in Edinburgh.

Responsibility for asylum rests with the Home Office and the hon. Gentleman, as a Member of the House, has ample opportunity to question Home Office Ministers at Question Time every month. I do not think that the fact that the Advocate-General is not in this House is a particular issue. The hon. Gentleman will be aware that the Scottish Executive and the Home Office are in discussions. Everyone wants to ensure that where it is necessary to remove people from this country, it is done in as humane a way as possible. We equally recognise that there are many cases that prove to be difficult. The Home Office and the Scottish Executive are working closely together and will continue to do so.

Business Rates

2. **John Robertson** (Glasgow, North-West) (Lab): What discussions he has had with the First Minister about the level of business rates. [17063]

The Secretary of State for Scotland (Mr. Alistair Darling): I have regular discussions with the First Minister, covering a range of issues. The Scottish Executive's announcement of an alignment of the business rate poundage with England over a period of two years is good news for Scottish businesses.

John Robertson: I thank my right hon. Friend for his response. I know that he will join with me in congratulating the Scottish Executive on its forward thinking. Let us hope that it will bring the right environment for growth in the economy.

The next time my right hon. Friend talks to the First Minister, will he ask him about the business rates for Glasgow? Since the mechanism was introduced by the then Conservative Government—they took all the business rates for Scotland and put them into a pot—Glasgow has lost, in general terms, about a third of its own money. Will my right hon. Friend ensure that when there is even less money going back into the pot Glasgow gets its fair share for once?

Mr. Darling: I shall certainly endeavour to talk to the First Minister about that at some stage. I am told that Glasgow has received total Scottish Executive grants of more than £1.1 billion, which is something to be going on with. The whole issue of whether non-domestic rates incomes should be retained was considered by the Scottish Executive city review team in 2002. The Scottish Executive established a cities growth fund, which has allowed £172 million to be made available to councils. I suspect that whatever system is chosen will have some imperfections, but I would not want my hon. Friend to think that Glasgow was completely losing out. The sum of £1.1 billion is a sizeable contribution to the city and is doubtless very much needed. As we all know, Glasgow has made huge efforts in the past few years to transform itself, which is why it is now one of Britain's foremost cities for retail.

Mrs. Eleanor Laing (Epping Forest) (Con): The Secretary of State's colleagues in the Scottish Parliament have done a U-turn on business rates, which is a change for which Scottish Conservatives have been calling for five years. During that time, Scottish business has paid some £800 million more in taxation than it should have done. Will the Secretary of State apologise for what was clearly a mistake?

Mr. Darling: It was drawn to my attention the other day that a by-election was held in Dumfries—which used to be a Tory stronghold—in which the Tories got six votes. The hon. Lady's question perhaps illustrates why.

The hon. Lady must know that Administrations adjust their policies from time to time, in this case to help business. The fact that a Labour-dominated Administration chose to reduce rates shows their commitment to helping Scottish business. I am also bound to say that I do not recall hearing anything from the Conservatives on the subject in the past five or six years, which shows what a hopelessly ineffective Opposition they are, north and south of the border.

Mrs. Laing: Absolute nonsense. We called for that reduction in business rates because we are the party of business and understand that it should have been done long ago. There is no doubt that Scottish business has suffered compared with business in the rest of the UK. The correct decision has at last been taken, but why will it not be introduced until 2007? If it is needed so urgently, should not it happen now? If the elections to the Scottish Parliament were next year instead of in 2007, would it be done next year? After all, it is clearly a political, not an economic, decision.

Mr. Darling: The hon. Lady just said that it was a necessary economic decision: she cannot have it both ways. The change is being phased in because it has to be paid for. I would have thought that the Conservative party, even in its present state, would accept that to spend money one needs to identify where the savings will be made, and that sometimes takes time.

The Scottish economy is doing well—*[Interruption.]* Well, it is growing at above the trend rate of growth and we have the highest level of people in work that we have ever had. Contrast that to 20 years ago, under a Tory Government, when 3 million people were unemployed nationally and there were huge levels of unemployment in Scotland. The Scottish economy is completely different from what it was 20 years ago, and that is partly due to what the Scottish Executive are doing, although much of it has to do with the conduct of the economy by my right hon. Friend the Chancellor of the Exchequer. We have seen sustained growth when other countries have had recessions—the difference is there for all to see. Scotland is doing well at the moment. We need to do better still, of course, but we are doing a lot better than we would ever have done had the Conservatives remained in office.

Michael Connarty (Linlithgow and East Falkirk) (Lab): When my right hon. Friend discusses the consequences of the business rate setting with the First Minister, will he ensure that they take into account the result of the equal pay and single status agreement, which should have been implemented in 2002? More than 100,000 women are owed back pay to 2002, which could cost local authorities more than £1.5 billion. Will my right hon. Friend ensure that that money is available in the financial settlement for Scotland to enable that back pay to be paid, even if the business rates are equalised with England?

Mr. Darling: The Scottish Executive had their spending settlement agreed in the spending review last year, and that will not change. As the First Minister has made clear, both the Scottish Executive and local authorities have to live within their budgets, whatever happens in those discussions.

John Barrett (Edinburgh, West) (LD): As the Scottish business rate poundage is now heading down to the English level, there is every prospect that the overall rates burden in Scotland will be lower than that in England. What steps will the Secretary of State take to promote Scotland's new competitive edge to potential inward investors from Europe and more widely, to ensure that the Scottish economy gains the maximum benefit from the bold step agreed by the Scottish Executive and announced by Nicol Stephen?

Mr. Darling: I think that this is a somewhat sterile debate, but it is certainly my recollection that although the hon. Gentleman's Liberal colleague north of the border may have muscled in on the matter, the decision was very much that of the First Minister, as we would expect.

I welcome the hon. Gentleman, who is standing in for his colleague as Liberal spokesman—the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) has other business, and I quite understand that—and, as a fellow Edinburgh MP, he will know that there are many examples in Edinburgh, as well as other parts of Scotland, where firms have chosen to set up in business. Perhaps a striking example is the fact that the Royal Bank of Scotland, which is now the fifth or sixth biggest bank in the world, has chosen to locate its global headquarters in Edinburgh. It employs a substantial number of people, and it and other financial service providers in the city have done a great deal to advertise the merit of doing business in Scotland. That is why I told the hon. Member for Epping Forest (Mrs. Laing) a few moments ago that Scotland is doing an awful lot better today than in the past. Of course, we need to improve our productivity and so on, but the economic picture in Scotland is pretty good at present, and we will build on that with a stable economy, as well as with the other measures that will be taken by the Government here and the Scottish Executive at Holyrood.

Meteorological Office (Aberdeen)

3. **Jo Swinson** (East Dunbartonshire) (LD): What discussions he has had with ministerial colleagues about the proposed closure of the Aberdeen meteorological office. [17064]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend and I keep in touch with colleagues in the Ministry of Defence on a range of issues, including the current consultation on the Met Office network.

Jo Swinson: Bearing in mind the unique nature of Scotland's weather, does the Minister feel that it is appropriate for Scotland to be left with no civil meteorological office? Is he happy that the Aberdeen meteorological office, which is a centre of excellence with great links to the marine and energy industries, may well close, with all forecasting being done 600 miles away in Exeter?

David Cairns: The hon. Lady pre-empts the ongoing consultation exercise—and no decision has been taken on that, as she well knows. Indeed, I think that she was present during the Adjournment debate in July, which was sponsored by the hon. Member for Gordon (Malcolm Bruce), when the Under-Secretary of State for Defence, my hon. Friend the Member for Islwyn (Mr. Touhig), said very clearly that he was willing to consider any representation that might be made. Obviously, the option of keeping the Aberdeen office open as a centre of excellence is part of the current consultation, which is ongoing, and I shall certainly not pre-empt its result.

Miss Anne Begg (Aberdeen, South) (Lab): Does my hon. Friend agree that the consultation has been full and proper, thanks to the work of the Under-Secretary of State for Defence? People in Aberdeen have been very active in that consultation. I understand that there will be a meeting this afternoon between management and the unions. I hope that that meeting and the consultation will result in maintaining the meteorological office—which is a centre of excellence—in Aberdeen.

David Cairns: I thank my hon. Friend for that question. It is true that discussions are taking place today between key stakeholders and officials in the Met Office. Those discussions are the direct result of a clear commitment that my hon. Friend the Under-Secretary made in the House, namely, that if options were proposed he would consider them very carefully. Those at today's meeting will consider whether the talks can produce another definitive option, which may then result in the consultation period being extended. However, as my hon. Friend the Member for Aberdeen, South (Miss Begg) suggests, there has been a clear, open and transparent consultation, which is continuing.

Scottish Olympic Team

4. **Pete Wishart** (Perth and North Perthshire) (SNP): What discussions he has had with the Department for Culture, Media and Sport on a Scottish Olympic team participating in the 2012 Olympics. [17065]

The Secretary of State for Scotland (Mr. Alistair Darling): I have regular discussions with my right hon. Friend the Secretary of State for Culture, Media and Sport on a wide range of issues.

Pete Wishart: I thank the Secretary of State for that answer. Perhaps he should speak to the DCMS about the proposal, given that it is supported by 70 per cent. of the Scottish people.

In the knowledge that I had tabled this question for today, I received what can only be described as a grossly insulting letter from British Olympic Association, which had the bare-faced cheek to suggest that a separate Scottish team would not do as well as individual Scots competing in Team GB. Will the Secretary of State dissociate himself from such nonsense? Given that there is no clear and set rule about why we cannot participate in the Olympics, will he wholeheartedly throw himself behind this campaign, which can only be good for Scottish sport?

Mr. Darling: Given the Scottish nationalists performance in recent Scottish elections, they can hardly claim to speak for the majority of people in Scotland. One reason why the nationalists are losing support is their blinkered and prejudiced outlook towards the rest of the United Kingdom. Most of us who are Scots take pride in those Scots in the Olympic team who do well, particularly those who join forces with team mates from other parts of Great Britain.

I have seen the letter that was sent to the hon. Gentleman, and it made the point that Britain does well when it competes with the constituent parts of the country working together. It is interesting that when the Olympics were awarded to London, the nationalists said that it did not matter because it was in London. When the Scottish Executive put in a bid to get the Commonwealth games in Glasgow, Fergus Ewing from

Inverness said that it did not matter because it would not take place in the highlands. Surely it is time to end such a blinkered, prejudiced outlook on life. *[Interruption.]*

Rosemary McKenna (Cumbernauld, Kilsyth and Kirkintilloch, East) (Lab): More narrow-minded nationalist propaganda.

Is my right hon. Friend aware that thousands of young Scots are excited about the prospect of representing the UK? Is he also aware that today the British Olympic committee announced the formation of a committee of the nations and regions under the chairmanship of Charles Allen, a Scot, to look into bringing the maximum benefits to Scotland and the rest of the UK?

Mr. Darling: I agree with my hon. Friend. The fact that the Olympics are coming to London in 2012 will be good for Scotland and for the whole of the United Kingdom. I am sure that many people look forward to aspiring to compete in the British team when the games take place. It is interesting that it is only from the narrow perspective of a particularly prejudiced and narrowly focused political party that we are getting criticism—*[Interruption.]* Just look at them, Mr. Speaker, they cannot control their bitterness; it is no wonder their support is plummeting.

Mark Pritchard (The Wrekin) (Con): Does the Secretary of State agree that the strength of the British Olympic team over many, many generations has been the fact that it has been a Great British team made up of Englishmen and women, Welshmen and women, Scottish people, of all ages, and Northern Irish people? It is unfortunate that the Scottish nationalists want to undermine that great British tradition of working together to fly the Union flag rather than another flag over the podium.

Mr. Darling: Most people in Scotland and most people in this country will, I hope, rejoice in whatever successes the British team manages to obtain in the Olympics of 2012, but the point that the hon. Gentleman makes is a perfectly good one.

Mr. Eric Joyce (Falkirk) (Lab): Does my right hon. Friend agree that the best way Members can encourage enthusiasm for the Olympics and spread their benefits across Scotland is by getting down to the sports clubs across our constituencies and encouraging people to aim for the British team in the Olympics?

Mr. Darling: I think that that is the case and, coupled with the efforts of both the Department for Culture, Media and Sport and the Scottish Executive in Scotland, there is no reason why, in the next few years, we cannot encourage more people to take part and compete in sport, so that we can build up the strongest possible British team for 2012. It is a unique opportunity in our lifetime for people in this country, and I am quite sure that Scotland, together with other countries in the United Kingdom, will play its full part.

Mrs. Eleanor Laing (Epping Forest) (Con): Does the Secretary of State agree that it is sad that the SNP wants to bring politics into this area of sport and to poison the minds of people in Scotland—

Mr. Speaker: Order. The Secretary of State is not responsible for the conduct of the SNP. In this Chamber, I am responsible for its conduct and also for that of the hon. Lady, so perhaps she could rephrase her question.

Mrs. Laing: Thank you, Mr. Speaker. I would not dream of insulting the Secretary of State by suggesting that he could possibly be responsible for such conduct.

I seem to be strangely in agreement with the Secretary of State. Does he agree that this is a time to be positive as members of the United Kingdom, all working together, looking forward to terrific sporting success and to the great opportunity that the Olympics coming to London can bring—not just for the London area, but for the whole country and especially for Scotland, where we have had such wonderful success, from Eric Liddell onwards, in Scottish sport? Does he further agree that we must all work to bring the best of the Olympic tradition to Scotland to benefit young sportsmen and sportswomen in Scotland today?

Mr. Darling: Yes.

Act of Union

5. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): Whether he has plans to mark the 300th anniversary of the Union of Parliaments. [17066]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): Officials are liaising with other Departments and the Scottish Executive on appropriate ways to commemorate the 300th anniversary of the Union of the Parliaments.

Mark Lazarowicz: I am glad to hear that, because the Act of Union with England and its counterpart marked not just the establishment of one Parliament, but the foundation of Great Britain. Although some Members may have different assessments of the success of that Union and of its future, surely no one would dispute its historical significance. It would be bizarre if we did not mark that and consider the historical significance and future of that Union in the same way that other states mark dates of such significance in their history. Will my hon. Friend consider how we can extensively recognise the successes and achievements of those 300 years and the challenges that face us in the future?

David Cairns: I agree entirely with my hon. Friend. It is a significant historical event, whatever people's individual views of its merits, or otherwise. It is far too early to be able to put forward any definitive plans, but discussions are ongoing. As well as looking at the tremendous success of the UK over 300 years on the anniversary, I hope that we will be able to look to the future and Scotland's role in the Union in the 21st century—in a globalised economy with the threats of the fast-developing world—so that we can think about not only our historically tremendously successful country, but a confident nation that is looking forward to a confident future and the next 300 years of the Union.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Does the Minister agree that the celebrations of the Union of the Crowns in 2003 were somewhat disappointing and missed out on a lot of the tourist potential that could have arisen in constituencies such as mine? Will he ensure that the Act of Union is properly celebrated and that the politically correct brigade will not get their way and downgrade this important event?

David Cairns: I thank the hon. Gentleman for his question. It is of course important to learn the lessons of what happened on the anniversary of the Union of the Crowns. I am sure that the Act of Union, which was an important historical event, will be marked in an entirely appropriate way.

Mr. Alex Salmond (Banff and Buchan) (SNP): May I advise the Minister to do what his Department does best—nothing at all? Given that the Scotland Office did not lift a finger—not even a sausage roll—to commemorate this year's 700th anniversary of the death of Scotland's greatest hero, William Wallace, would the population at large not consider it passing strange if the Department started to plan a subsidised booze up and what would obviously be a political party for a parcel of rogues in 1707? Given that half the population does not agree with it and another half does not want to pay for it, will the Minister assure us that he will do what he does best—nothing at all?

David Cairns: I thought that the hon. Gentleman was going to suggest combining the 300th anniversary of the Act of Union with the 300th anniversary of the SNP winning a by-election—*[Interruption.]* I am informed that it is not actually that long; it just feels like it.

If the hon. Gentleman wants to talk about the best political way of celebrating the event, which is in May 2007, it would be for the voters of Scotland to consign to the dustbin of history once and for all the narrow nationalism and separatism that would hold Scotland back, as opposed to the strength of the Union that has done Scotland tremendously well over 300 years.

Caledonian MacBrayne Ferries

6. **Ms Katy Clark** (North Ayrshire and Arran) (Lab): What representations he has made to the EU Commission on the tendering of Caledonian MacBrayne Ferries. [17067]

The Secretary of State for Scotland (Mr. Alistair Darling): The Government see no legal basis to challenge the Commission's view that tendering is appropriate in this case. Scottish Executive Ministers have devolved responsibility for these subsidised services and are pursuing the arrangements to tender.

Ms Clark: Does my right hon. Friend agree that the proposed tendering makes no economic sense? Does he also agree that if tendering is to proceed, the contractual tendering documentation must be drafted in such a way that the existing work force will be protected and any new operator obliged to take on staff on their existing terms and conditions?

Mr. Darling: My hon. Friend will know that there has been a lot of discussion of the matter over many years. It is pretty clear that the law is that such services must be tendered, which the Scottish Executive accept. The tender documents and the terms and conditions are devolved matters, so they are entirely the responsibility of the Scottish Executive. I do not really want to start making decisions on matters that are properly theirs, not mine.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): On a matter that is not devolved, I would like to hear the right hon. Gentleman's view of tax avoidance in the run-up to the tendering, with specific reference to CalMac and offshore crewing. Does that tax avoidance bother him in any way?

Mr. Darling: Both the Scottish Executive and Caledonian MacBrayne must act entirely in accordance with the law.

Crime Prevention

7. **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): What discussions he has had with the Scottish Executive on crime prevention, with particular reference to a strategy against drug misuse in Scotland. [17068]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend and I have discussions with Scottish Executive Ministers on a wide range of issues, but as he knows crime prevention and tackling drug misuse are primarily devolved matters.

Mr. Clarke: While I accept unreservedly my hon. Friend's reply, does he welcome the suggestion that, to tackle the problem of drugs coming into the United Kingdom, the Serious Organised Crime Agency for Scotland should be established in Gartcosh in my constituency? If that is true, can I depend on the full support of the Scotland Office and our right hon. Friend the Secretary of State?

David Cairns: I am aware of that suggestion. Should that campus be chosen, it will be due in no small measure to the way in which my right hon. Friend has argued the case of his constituency for the site of such a facility. As well as acknowledging that these are devolved matters, we should pay tribute to the tremendous work of the Scottish Crime and Drug Enforcement Agency, which has brought to book hundreds of criminals involved in drug dealing. We are all aware of the scourge of drug dealing in our constituencies. These people should be subject to the full weight of the law, and if the proposal that my right hon. Friend mentioned helps to bring that about we would all support it.

CONSTITUTIONAL AFFAIRS

The Minister of State was asked—

Judicial Appointments Commission

16. **Mr. Desmond Swayne** (New Forest, West) (Con): If she will make a statement on the judicial appointments commission. [18516]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): The judicial appointments commission will be launched on 3 April 2006 as part of a package of constitutional change. My right hon. Friend issued a written ministerial statement this morning announcing the appointment of Baroness Usha Prashar of Runnymede by Her Majesty the Queen as the first chair of the commission.

Mr. Desmond Swayne (New Forest, West) (Con): Is the Lord Chancellor suitably chastened by the annual report in which he is criticised for intervening inappropriately to secure the selection of a candidate whom the panel deemed insufficiently qualified, and what is he going to do about it?

Bridget Prentice: My noble Friend the Lord Chancellor does not accept that view. In fact, he told the Select Committee on Constitutional Affairs today that the commissioner's view was unfair and wrong and that it was "inappropriate" to put that person's name in the public domain.

Keith Vaz (Leicester, East) (Lab): My hon. Friend will know that the Lord Chancellor has made a number of important statements about the diversity of the judiciary, encouraging the appointment of more women and ethnic minorities. How will he ensure that those important vision statements will be taken on board by the new commission, bearing in mind that it is an independent body, and how will we ensure that the transition from the Lord Chancellor making the appointments to the new committee doing so is as smooth as possible?

Bridget Prentice: I am grateful to my hon. Friend for that important question. We should not see merit and diversity as mutually exclusive, and we are assured that the commission will take both into account. People who were previously unrepresented in the judicial system are beginning to be appointed on merit and in greater numbers.

Judiciary (Women's Appointments)

17. **Laura Moffatt** (Crawley) (Lab): What progress is being made in the appointment of women to senior posts in the judiciary. [18517]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): The proportion of women sitting as judges in courts in England and Wales has risen from 10 per cent. in April 1998 to nearly 17 per cent. last month. This month, there has been a net increase of one in both the Court of Appeal and the High Court, but there is obviously much more to do.

Laura Moffatt (Crawley) (Lab): I thank my hon. Friend for her response. There is clearly steady progress and, as she has said, quality and diversity are the key to a judiciary we can all trust. Is she aware of the work that the professions are undertaking to ensure that women, in particular, are able to manage the difficult balancing act between family and advancing their career? The London Common Law and Commercial Bar Association, for example, is engineering a mentoring scheme by women, for women, to encourage them into the profession and to make sure that they stay there if they decide to have a family. Is she prepared to continue encouraging such schemes and to expand them for other professionals such as solicitors?

Bridget Prentice: I am very much aware of the scheme introduced by the London Common Law and Commercial Bar Association. We welcome it and encourage further mentoring programmes of that kind. Just last week I visited an award scheme run by the Law Society to help young people, particularly those with quite severe disabilities, who want to make law a career. I want to encourage others to do that.

Mr. Andrew Turner (Isle of Wight) (Con): The Minister mentioned merit and diversity. Will she assure the House that where merit can be measured objectively, the best person will always win?

Bridget Prentice: As I said in answer to a previous question, I do not think merit and diversity are mutually exclusive. We ought to appoint people on merit, we should appoint more people from a wide variety of backgrounds—more women and more people from ethnic and other minorities—and we should ensure that we have a judiciary and a legal system that properly reflect the society in which we live.

Judges' Statements

18. **Tony Baldry** (Banbury) (Con): What recent discussions the Lord Chancellor has had with the Lord Chief Justice concerning judges making public statements on proposed law reforms. [18518]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): The Lord Chancellor and Lord Chief Justice frequently have discussions on a range of subjects.

Tony Baldry: Is the Minister worried that in his first public interview the Lord Chief Justice expressed concern that a politician—there is no mistaking who he was gunning for—should try to browbeat the judiciary? Will the Minister confirm that it is the constitutional right of any judge to express concern about new legislation—for example, the proposal to lock up people without charge for up to six months? Is it not sad that the Government's lasting legacy will be the Iraq war and repressive legislation?

Ms Harman: I have had the opportunity to look at the full transcript of what the Lord Chief Justice said. It was a measured and informative contribution, which he made at his inaugural press conference. Out of some 20 questions from the press, about 17 were essentially the same question—whether he would have a huge row with the Government. Over and over again, the Lord Chief Justice said that he had his role to play and the Government and Parliament had their roles. That is what we will be getting on with.

Mr. Philip Hollobone (Kettering) (Con): This week the Prime Minister said that the criminal justice system was too complicated and laborious—comments with which many residents in the Kettering constituency would agree. What proposals will the Minister introduce to speed up and simplify the criminal justice system?

Ms Harman: We would all agree that the criminal justice system is too complicated and laborious. We are taking a range of measures in co-operation with the police and the Crown Prosecution Service, and working with Victim Support and the witness service, to make sure that the criminal justice system is effective and provides a fair trial and a just outcome, but does not take too long going about it and does not become too bureaucratic.

Mr. David Heath (Somerton and Frome) (LD): Does the right hon. and learned Lady agree that the retired Lord Chief Justice, Lord Woolf, provided an inestimable service to the country by pointing out deficiencies in legislation? Does she agree with her noble Friend the Lord Chancellor in evidence that he gave this morning, as I understand it, to the Select Committee, that the Kilmuir rules are effectively no more and that members of the judiciary are entitled to make comment? Does she also agree that they have a duty to inform Parliament when the Executive introduce proposals that could be construed as unlawful—a role that ought to be played by the Attorney-General, but is not?

Ms Harman: The way that the hon. Gentleman puts that is not right. I agree, of course, with his comments about the Lord Chief Justice. There is a great deal of practical working between the judiciary and the Government. For example, I quote the work of Dame Elizabeth Butler-Sloss, who, when president of the family division, made many helpful contributions to the development of policy in relation to family proceedings, care proceedings involving children and domestic violence. Sir Igor Judge sits on the National Criminal Justice Board, together with criminal justice Ministers, the police and prosecutors. They work sensibly together. It is for the Government to propose legislation to the House, for the House to decide in its wisdom what to pass into legislation, and for judges, with the assistance of the Human Rights Act 1998 introduced by the Government, to make a decision on a case-by-case basis.

Mr. Jonathan Djanogly (Huntingdon) (Con): With regard to judges' discretion, given that this week the Prime Minister complained that 50 per cent. of defendants get off, in what percentage of cases do the Government want not guilty verdicts?

Ms Harman: We do not want a situation in which a defendant is charged and brought to court but the case cannot proceed because the victim has not turned up as a result of intimidation, or because a witness has not turned up because the case has been adjourned a couple of times. We need to reduce the number of so-called ineffective trials so that justice is done in every case—on behalf of the victim as well as the defendant. It is not about a particular percentage of cases. I am sure that the hon. Gentleman agrees that in many cases the procedures let justice down and the outcome is a wrong one.

House of Lords Reform

19. **Mr. Sadiq Khan** (Tooting) (Lab): When the Department intends to proceed with the next steps towards establishing a reformed House of Lords. [18519]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): We intend to continue with reform of the House of Lords to create an effective legitimate Chamber while maintaining the primacy of this House.

Mr. Khan: I thank my right hon. and learned Friend. With the greatest respect, is she happy with the answer that was drafted by the civil servants? Can she let us know when we can expect a Joint Committee to be established and what its remit will be? Will she ensure that when the options from the Joint Committee come back to this House we are given options as to preference rather than a yes or no option? She will remember—some of us will not—what happened last time this House was asked to vote on the options.

Ms Harman: The civil service gave me a very long and good answer to kick off the point raised by my hon. Friend, but I made it short to give him as much time as possible to ask his supplementary and so that I could deal with the issues that he raises.

We want to get the Joint Committee established as soon as possible so that it can codify the key conventions of the House of Lords. My hon. Friend raises a very important point, of which he did not give me notice—although I am not criticising him for that—*[Interruption.]* I am saying that it was not a planted question. What he is asking is whether we will have sensible proceedings in this House when we have a free vote on the composition of the House of Lords, and how we will go about reaching that outcome. That is a very important point.

We know where we got to in 2003. When we vote this time, we want to have absolute clarity. We want all Members to be absolutely clear that the choices that we are presenting to the House are those that they want to vote on, and we want to ensure that we vote on them in such a way as to achieve consensus. My hon. Friend pre-empts me in raising issues that I would like to

explore—for example, whether we simply stick with a yes or no option or have a range of choices, which is sometimes called a preferendum. We must have a better process to ensure that the will of this House on the composition of the House of Lords is better expressed than we were collectively able to achieve in 2003, and I will certainly strive to achieve that.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): This morning, the Lord Chancellor laid out for the Select Committee a measured process whereby a Joint Committee would seek consensus on the functions of the second Chamber and then both Houses would have the opportunity to consider its composition in the light of that. Would not it be pre-empting that process for the Government to try to rush ahead in getting the House of Lords to introduce timetabling of Bills, or indeed remove the remaining hereditary peers, without taking all these things together?

Ms Harman: As the right hon. Gentleman knows, we have a manifesto commitment to limit to 60 days the time that the House of Lords will have to deal with a Bill. That is a free-standing manifesto commitment. We also have a free-standing manifesto commitment to abolish the remaining hereditaries. In addition to that, we said in our manifesto that we would establish a Joint Committee and have a free vote in this House. We will proceed on all those points; one is not conditional on the other.

Barristers (Strike Action)

20. **Mr. Mark Harper** (Forest of Dean) (Con): What steps she plans to take in response to strike action in respect of publicly funded work by barristers in criminal practice. [18520]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): It is irresponsible for barristers to take action that disrupts the courts and harms the interests of victims, witnesses and defendants. Action has been limited and managed locally by the courts, the Legal Services Commission and the Crown Prosecution Service using a range of effective contingency plans.

Mr. Harper: Given the ample warnings from the Bar Council, does the Under-Secretary believe that it would have been advisable to wait until Lord Carter produced his report before introducing cuts to legal aid pay?

Bridget Prentice: The Lord Chancellor has been in conversation with the Bar Council, including two full months of consultation with the Bar, on the savings package. He also invited the Bar Council to offer alternative suggestions, without receiving any effective response. We could not wait any longer and I asked the Bar to continue to work with Lord Carter.

Stephen Hesford (Wirral, West) (Lab): On the back of my hon. Friend's comments, may I draw hon. Members' attention to early-day motion 745, which I tabled? Does my hon. Friend agree that it is deplorable when the Government are held to ransom—in effect, blackmailed—by the Bar? Is not it time that certain—not all—members of the Bar understood that a review process, which will consider the position in the round, is in progress, and that they should therefore reflect on the action that is currently being threatened? Should not especially members of the Bar Council Association decide to join in the review, which will report next year?

Bridget Prentice: My hon. Friend presents a measured and reasonable argument, to which I hope that the Bar will pay heed. Barristers are well paid. Junior barristers are paid, on average, £650 for a one-day trial and £1,300 for a three-day trial. Most people would find that a reasonable remuneration. I agree with him wholeheartedly that the Bar should work with Lord Carter, who will reach his conclusions by the end of January, so that we have a fair, sustainable and stable legal aid procurement system for the future.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I declare an interest in that I am a practising barrister. Does the Under-Secretary understand that, although many of us do not support the strike, many members of the junior Bar are paid no more than £46 a day for going into court? Will she take account of their expenses? The fee is derisory and the matter should be addressed with all possible speed.

Bridget Prentice: The £46 fee is often mooted in favour of the junior Bar and is sometimes done so in a way that implies misunderstanding. The £46 could be for a bail application, which might take 10 minutes. A junior barrister could do 10 or 20 bail applications in a day at £46 each. I leave it to the mathematicians to work out exactly how much that is. Having said that, I stress to the right hon. and learned Gentleman that we are aware that aspects of the junior Bar's remuneration need to be examined. Today's action does not affect the very junior Bar; it is about trials that last 11 days and more, which few junior barristers experience.

Postal Voting

21. **Mr. David Kidney** (Stafford) (Lab): What further measures she proposes to put in place to prevent fraud in postal voting. [18521]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): The Electoral Administration Bill includes several provisions to prevent fraud in postal voting.

Mr. Kidney: Does my right hon. and learned Friend agree that it is important to reassure the public that voting by post is secure and reliable? Will she confirm that she will take care not to impose so many restrictions that the bureaucracy deters people from applying for a postal vote and voting by post?

Ms Harman: We want to ensure that people have the choice of voting by post, which is an increasingly popular way of voting. However, we must also make it absolutely clear that security in postal voting is not an option. To achieve that, we need robust legal provisions—we shall improve them in the Electoral Administration Bill, which I shall bring before the

House next week—and good support for the operational activity to deter and prevent fraud on the ground. We shall achieve both those things.

Mr. Jonathan Djanogly (Huntingdon) (Con): The greatest level of security would come from individual voter registration, backed up by national insurance numbers. Why will the Government not countenance that?

Ms Harman: The hon. Gentleman is not right to say that we will not countenance it. In the Electoral Administration Bill, we are making provision to pilot the testing of individual identifiers and signatures. The right way to proceed is on an evidence base. We need to achieve three things to ensure the legitimacy of democracy. The first is that everyone should have access to a vote, which means everyone who is eligible being on the register. The second is that everyone should want to vote, which relates to high turnouts and to the point made by my hon. Friend the Member for Stafford (Mr. Kidney) about postal voting. The third is that nobody should fiddle the vote. We need to focus on all three, and to have measures that will work across the board. That is what we shall be doing.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

Cleaners' Pay and Conditions

31. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent discussions the Commission has had on pay and conditions for cleaners employed in the House. [18508]

Nick Harvey (representing the House of Commons Commission): The issue of contract cleaners' pay was discussed by the Commission on 18 July and again yesterday evening. The Commission took note of the progress in the ongoing negotiations between the cleaners' employers and the Transport and General Workers Union. It also took note of the offer from the employing company, Mitie, of a pay increase to its staff from £5.20 to £6 per hour, funded through internal efficiency savings. The Commission also confirmed that it had no plans to increase the contract's value. Improved on-site accommodation for the contract staff has now been provided.

David Taylor: Even Thomas Gradgrind and Ebenezer Scrooge would balk at the Dickensian cleaning contracts in this place, which have driven wages down to poverty levels. Will the hon. Gentleman acknowledge that the Commission has a role to play in settling this dispute? Will he ask the Serjeant at Arms to convene a tripartite forum of contractors, unions and House staff, with the aim of overcoming the impasse that is bedevilling progress in this unnecessary dispute?

Nick Harvey: The issue of pay and conditions is a matter for the employer and the work force. Let me make it crystal clear to the House that the authorities of the House have done, and are doing, what they can to help to resolve this issue. However, the Commission has authorised me to reaffirm that it will not increase the £2.2 million value of the contract. It cannot become directly involved in the negotiation of terms and conditions, which are a commercial and, ultimately, a legal matter between a contractor and its staff. The authorities of the House are, however, being kept informed of the progress in these negotiations, and will continue to do what they can to assist in achieving agreement as fast as possible.

John Bercow (Buckingham) (Con): May I put it to the hon. Gentleman that his answer to the hon. Member for North-West Leicestershire (David Taylor) is not entirely satisfactory? Some of us think that it is not really good enough for the House of Commons Commission to hide behind the cloak of a contractual negotiation between employer and employee. As one who signed the early-day motion tabled by the hon. Member for Dewsbury (Mr. Malik), may I put it to the representative of the Commission that it would do the Commission great credit if it were to intervene in such a way as to offer hope to the people who toil incredibly hard in this House for a pathetically insignificant reward?

Nick Harvey: The House of Commons lets contracts for a wide variety of services within the organisation. It would be highly unusual if, halfway through one such contract, we were to renegotiate its value, and it would become impossibly difficult for the House to hold the value of any other contract on a wider front if we showed a willingness so to do. I reaffirm that the House authorities have worked with the employer to help it to find substantial savings within the contract. Parts of the building will be cleaned less frequently than before, and some will be cleaned during the day rather than in the evening. When we let this contract, however, it was not given to the lowest bidder. All bidders gave indicative pay rates, which we insisted had to be set at a level that would minimise staff turnover. Indeed, staff turnover on this contract is much lower than the industry average, indicating a degree of satisfaction on the part of the work force.

Mr. David Winnick (Walsall, North) (Lab): Is not the crux of the matter that the people about whom we are talking are not being paid as much as those directly employed by the House of Commons? Why should there be such a difference? Does not the Commission have a responsibility to ensure that all those who do such essential work are paid decent wages, which is not what has happened so far? The people who have been employed by the contractors have been treated disgracefully, and it is about time that the House of Commons put the whole matter right.

Nick Harvey: The wages and conditions on these contracts are comparable with equivalent contracts in the area and with the market rate. The pay of in-House cleaners reflects two points: first, that they work in sensitive areas, where it was felt that the service should not be contracted out; and secondly, that they are paid within a pay system that covers the majority of the House's employees. Therefore, internal relativities as well as market factors have had to be considered when settling the level of pay for in-House cleaners.

LEADER OF THE HOUSE

The Leader of the House was asked—

Private Members' Bills

32. **Hugh Bayley** (City of York) (Lab): If he will invite the Select Committee on Modernisation of the House to examine the case for providing more time for private Members' Bills to be considered on the Floor of the House. [18509]

The Leader of the House of Commons (Mr. Geoffrey Hoon): The new Modernisation Committee was established on 13 July, and has since met twice. It is currently discussing a programme of work, and is happy to receive representations on that from all colleagues. Currently, I have no plans to propose changes to the time available for consideration of private Member's Bills.

Hugh Bayley: Over the years, private Member's legislation has established some important rights and, sometimes, duties, for citizens of this country. I have been a Member of the House for more than 13 years, and apart from a short time when I inhabited the Front Bench, I have dutifully entered the ballot every year to try to get selected to put forward a Bill, but have never been successful even in securing the last place. The House would benefit if more time were available for private Member's legislation. Will my right hon. Friend ask the Committee to consider whether Wednesday evenings, on which we no longer sit, could be used to discuss private Member's Bills?

Mr. Hoon: I sympathise with my hon. Friend's difficulties with the ballot. I have the same problem with the lottery every Saturday evening. His practical suggestion of finding extra time was considered by the previous Modernisation Committee, which examined the idea of moving private Member's Bills to Tuesday evenings rather than Wednesday evenings, although the principle remains the same. It concluded that such a move would

"fundamentally change the character of the proceedings, with the intrusion of whipping into time which has so far been at the free disposal of backbenchers".

Obviously, the House has since come to a different conclusion as to the pattern of hours of business. Given the history of the issue, I do not propose to disturb those arrangements for the moment, as I do not want to plunge the House into a further debate on our hours of work.

Sub Judice Rule

33. **Ms Sally Keeble** (Northampton, North) (Lab): If he will bring forward proposals to implement the Procedure Committee's recommendations on the sub judice rule. [18510]

The Deputy Leader of the House of Commons (Nigel Griffiths): The Procedure Committee published its report on the House's sub judice rule in April this year. The conclusions and recommendations are largely matters for you, Mr. Speaker, and the House authorities to consider in the first instance. We are, of course, ready to respond to any points that come out of that process. That applies particularly to the recommendations concerning the application of the rule to coroners' courts, which I know are of concern to my hon. Friend, who gave both written and oral evidence to the Committee during its inquiry.

Ms Keeble: I am grateful to my hon. Friend for that reply. Does he have any comment in particular about the recommendation that when an inquest is adjourned for a long time, there should be some consideration of what happens to the sub judice rule? He will be aware that 18 months have elapsed since the adjournment of an inquest that affects a matter of great public concern, not just to my constituency but more widely. It is wrong that we should be completely unable to ask questions or to call the Government to account on the matter during that period.

Nigel Griffiths: Of course I am not indifferent to the mental anguish experienced by my hon. Friend's constituents; but while coroners' courts do not determine the guilt or innocence of individuals, their findings can be very important and serious, and are obviously important to the discharging of our obligations under the European convention on human rights. Their proceedings risk being prejudiced through statements in the House. The Attorney-General said in evidence to the Procedure Committee that there might be a case for some relaxation in relation to the timing.

Sir Nicholas Winterton (Macclesfield) (Con): The hon. Member for Northampton, North (Ms Keeble) gave excellent evidence to the Procedure Committee. I suggest that Members read the Committee's report on the sub judice rule.

The Speaker who presides over our affairs in the House has an important role. He can often make it easier for Members to ask the questions when there is a danger that, without advice, the sub judice rule would be breached. I respect the Speaker's role very much. He can be very helpful to Members in such circumstances.

Nigel Griffiths: I was grateful for the opportunity to serve on the Procedure Committee under the distinguished chairmanship of the hon. Gentleman, and I am grateful to him for telling my hon. Friend the Member for Northampton, North (Ms Keeble) something that you know already, Mr. Speaker, but that other Members will have wanted to know.

Mr. David Heath (Somerton and Frome) (LD): I agree that the Procedure Committee's report is extremely good, and rightly recognises your discretion, Mr. Speaker, to give advice on the sub judice rule. There is an issue relating to coroners' courts, however. May I ask the Leader of the House, through his right hon. Friend the Deputy Leader, to make it clear to Cabinet Ministers in particular that sub judice rules apply to them as well, and that they are much more likely to prejudice the outcome of a court case than any Member raising an issue on the Floor of the House?

Nigel Griffiths: I am sure that Ministers are well aware of their obligations. I do not think that there have been too many examples of breaches of that kind.

Speaker's Statement

3.32 pm

Mr. Speaker: I have a statement to make to the House.

Following yesterday's personal statement by the right hon. Member for North Tyneside (Mr. Byers), I received from the hon. Member for Epsom and Ewell (Chris Grayling) a complaint of breach of privilege relating to the evidence given by the right hon. Gentleman to a sub-committee of the Select Committee on Transport, Local Government and the Regions on 14 November 2001.

My only role in this matter is to decide whether or not to allow the hon. Member for Epsom and Ewell to have precedence over the Orders of the Day to move a motion relating to his complaint. It is not for me to make any judgment on the merits of the matter. I have concluded that the question is one which should be submitted to the decision of the House; and accordingly the hon. Member for Epsom and Ewell will be able to move a motion relating to his complaint at the commencement of business tomorrow.

BILL PRESENTED

Work and Families

Mr. Secretary Johnson, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Blunkett, Mr. Secretary Darling, Secretary Patricia Hewitt, Secretary Tessa Jowell, Mr. Secretary Hain and Secretary Ruth Kelly, presented a Bill to make provision about statutory rights to leave and pay in connection with the birth or adoption of children; to amend section 80F of the Employment Rights Act 1996; to make provision about workers' entitlement to annual leave; to provide for the increase in the sums specified in section 186(1) and 227(1) of that Act; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 60].

Age of Sale of Tobacco

3.33 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I beg to move,

That leave be given to bring in a Bill to raise the minimum age of sale of tobacco and tobacco products from 16 years to 18 years.

I am delighted to have an opportunity to present this Bill. I believe that it is an extremely important measure, which the Government should implement if we are serious about reducing smoking in this country, particularly among younger people. The stimulus for the Bill came in 2004, when the Government published their White Paper "Choosing health: making healthier choices easier". The White Paper contained a chapter dedicated to the reduction of smoking through a number of different initiatives, none of which included raising the age at which people could buy tobacco. I found that something of a mystery at the time, especially in the light of the BBC's 2004 Healthier Britain survey, which revealed that 80 per cent. of the public—particularly those aged between 18 and 24—supported such a move.

Since then, I tabled two early-day motions during the last two parliamentary Sessions proposing such a measure. My early-day motion 226, which I tabled in May, has already attracted well over 50 signatures in this Session from Members in all parts of the House. It states that this House calls on the Government to give serious consideration to raising the minimum age of sales of tobacco from 16 to 18 years to bring it in line with sales of alcohol. I urge all Members who have not already signed it to do so.

My main reason for introducing this Bill—other than its obvious beneficial impact in terms of preventing youngsters from smoking—is that in the past couple of years the Government have made great strides in the age-barring of many other products. For example, under the terms of the Gambling Act 2005, the use of many gaming machines will be restricted to over-18-year-old players. Through the Violent Crime Reduction Bill, the Government intend to raise to 18 the age of sale of airguns and dangerous knives. Such measures doubtless enjoy popular support, so it is common sense to implement a similar measure in respect of tobacco. Doing so would show unequivocally that this Government do not condone young people smoking to the same extent that they do not condone young people drinking.

My Bill would not be a world first. A number of European countries—including Sweden, Ireland, Finland, Iceland, Malta, Norway and Poland—have already introduced such a measure. North of the border, Scotland is considering implementing such a measure through the Smoking, Health and Social Care (Scotland) Act 2005, thanks to the tabling of an amendment by my Scottish Labour parliamentary colleague, Mr. Duncan McNeil, the MSP for Greenock and Inverclyde. So in effect, we would be following in the footsteps of some of our enlightened European colleagues.

Of course, my Bill would not totally stop young people smoking, but it would impact on the number who become smokers in their teenage years, which is when some 80 per cent. of smokers begin smoking. The best example of the impact of such a measure can be seen on the island of Guernsey, where the age of sale was raised to 18 as long ago as 1997. Before then, the number of young smokers in Guernsey was roughly the same, as a percentage, as in the rest of the UK. But by 2003, thanks primarily to that measure and to the setting up of an appropriately named organisation, GASP—the Guernsey Adolescent Smoke-free Project—the number of young people reporting that they smoked had reduced by half. Now, nearly twice as many youngsters smoke in the UK as smoke in Guernsey, and when questioned, only 3 per cent. of Guernsey's 11-year-olds said that they thought they would smoke when they were older. Guernsey is now credited as being the world leader in reducing smoking among young people.

So there is clear evidence that raising the age of sale can reduce the number of youngsters who smoke, and I am delighted to say that my Bill enjoys the support of a number of different organisations and agencies, such as the Roy Castle Lung Cancer Foundation and the Trading Standards Institute, to name but two. Having spoken to Mike Unger, the chief executive of the foundation, I know that he is very supportive of my Bill. The foundation is currently funding a 12-year study into children's attitudes to smoking and it has just published the primary results. I am sure that the Government will want to look at its findings in great detail.

The TSI, which is responsible for enforcing the laws relating to age-restricted sales—including sales of tobacco—across England and the rest of the UK, also strongly supports my Bill. In 2004–05, trading standards services prosecuted some 117 retailers for selling cigarettes to children aged under 16. The retailers received penalties ranging from a conditional discharge to fines of up to £1,000; many more received cautions.

After its annual conference in June this year, the Trading Standards Institute, in a press release entitled "Call to raise age limit on cigarettes to 18", said:

"The age limit on cigarette sales should be raised to 18, bringing tobacco into line with other age-barred products that have a detrimental effect on public health . . . Doing so might help deter children from becoming regular smokers, while also aiding retailers who claim it is difficult for them to determine the age of children who ask to buy cigarettes."

The call for action is also backed by the local authorities' co-ordinators of regulatory services. Stephen Butterworth, the TSI's lead officer on health, said:

"TSI supports the thrust of last year's Government White Paper "Choosing Health", which aims to improve public health by encouraging healthier choices. With that in mind, we do not believe the Government is right to leave it to 16-year-olds to make the potentially life-threatening choice of smoking or not."

Mr. Brandon Cook, TSI joint lead on age-restricted sales, added:

"We believe that raising the age limit to 18, combined with stronger penalties against shopkeepers who repeatedly make underage sales, would make it more difficult for young people to regularly get their hands on cigarettes."

The TSI has previously requested raising the age to 18 without success and it is TSI policy to continue to press for action on the issue.

It is also my intention to continue to press the Government on this issue. The current age restriction on tobacco dates back to the beginning of the last century—well before scientific evidence was available to demonstrate the real health impact of smoking.

Knowing what we do today about the dangers, it is our duty to do all that we can to prevent young people from smoking. This Bill is a common-sense measure which I hope the Government will have the common sense to implement.

Question put and agreed to.

Bill ordered to be brought in by Jeff Ennis, Mr. David Chaytor, Mr. David Drew, Mrs. Betty Williams, Harry Cohen, Mr. Terry Rooney, Mr. Stephen Crabbe, Mr. David Crausby, Chris McCafferty, Mr. Jeffrey M. Donaldson and Mr. Mike Hancock.

Age of Sale of Tobacco

Jeff Ennis accordingly presented a Bill to raise the minimum age of sale of tobacco and tobacco products from 16 years to 18 years: And the same was read the First time; and ordered to be read a Second time on Friday 11 November, and to be printed [Bill 59].

Identity Cards Bill (Programme) (No. 3)

3.53 pm

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): I beg to move,

That the Order of 28th June 2005 (Identity Cards Bill (Programme)) be further varied as follows:

For paragraph 4 substitute—

"4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion at this day's sitting at the time specified in the second column of the following Table.

TABLE

Proceedings	*Time for conclusion of proceedings*
New clauses and amendments relating to Clause 1	5.45 p.m.
Amendments relating to Clauses 2 to 7	7.15 p.m.
Remaining proceedings on consideration	One hour before the moment of interruption."

First, may I say that the motion is intended to assist the House in using our available time this afternoon on Report to the very best possible effect? We have made good progress on the Bill thus far. There have been seven days and 11 sittings in Committee, starting on 5 July and finishing on 21 July. We had a timetable motion in Committee in order to ensure good progress, and as a result of the knives, only clauses 12 and 13 and parts of clause 5 failed to be discussed—some seven groups of amendments in all. We certainly debated far more than seven groups of amendments in Committee.

Although I should point out that there was plenty of time to raise issues, I am told that we spent, in total, some 26 hours and six minutes in all. We were even offered the possibility of a final sitting on the afternoon of 21 July, but in the event it was not needed or required by Opposition parties. We thus had more than sufficient time.

Because of the need to make the best use of available time, we propose to divide today's timetable with knives at 5.45 and 7.15 to ensure that all parts of the Bill are properly scrutinised.

I readily recognise that there are important and serious matters for us to discuss, but we need to parcel up the business in this way to allow for Third Reading at 9 pm as normal. If hon. Members want to debate the Bill, they should accept the motion and let us get on with that debate. The House will surely agree that it would be better for us to spend time this afternoon debating the Bill and the substantial matters before us rather than taking time to debate at length whether or not to timetable the debate. With that in mind, our motion will help order our debate sensibly.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Is the Minister programming the discussion on the Bill because he personally as a Minister believes that the advantages of the Bill are overstated?

Mr. McNulty: I shall take that as a question specific to the programme motion, which of course it was. The matters before us are very important. There are three distinct categories, all of which need discussion. If the hon. Gentleman resists the urge to vote against the motion, my views will come out in due course.

3.46 pm

Mr. Edward Garnier (Harborough) (Con): I am used now to the Minister, either from that Dispatch Box or in Committee, demanding less time for this important Bill to be discussed and, lo and behold, here he comes again with the same request. Of course, it is not a request but a demand; a demand that this House will no doubt need to consider carefully. I hope that, in due course, we will test the opinion of the House. Whatever blandishments are put forward by the Minister, I urge the House to reject the motion yet again to curtail debate.

This is not some statutory instrument or anodyne piece of business. This is one of the most important Bills that we will discuss during this Session. The Bill utterly alters the status of the state and its relationship with the individual. Yet as we predicted in Committee, the Government are curtailing debate. We have about seven or eight different areas of discussion to deal with this afternoon, and the Government seem wholly incapable of producing the necessary arguments to justify this curtailment of discussion.

I shall not detain the House this afternoon by dignifying the Minister's remarks with a lengthy response, which would be to fall into the trap that he has so candidly placed before us. However, the Bill contains approximately 60 powers to be given to the Home Secretary, who is no longer in his place, to make secondary legislation. It is a radically dangerous way to legislate and it is even worse that the Government are curtailing our ability to discuss it. I urge all hon. Members with any understanding of the word "democracy", or of the expression "Let us scrutinise this legislation", to vote against the programme motion, which is unnecessary and wholly ridiculous.

3.49 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): As the Minister said, the sessions in Committee were good, but they were exactly that: Committee sessions. Today, we have an opportunity for the whole House to have a say and it is important that we allow adequate time for a full discussion of all the issues that arise from this extensive Bill. Frankly, my fear is that although we have been careful in seeking to retain a tight focus in respect of the amendments tabled by myself and my hon. Friends—as, indeed, have the Conservatives—the operation of the knives will be such that we will not be allowed to have a full discussion of all the matters of importance that ought to be scrutinised by this place. Accordingly, should a Division be called, my right hon. and hon. Friends and I will not support the Government.

3.50 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I rise to support the observations of my hon. and learned Friend the Member for Harborough (Mr. Garnier). The Minister in his opening remarks said that the motion was for the assistance of the House so as to make best use of the time available to us. The time available to us is the amount of time provided by the Government. If they truly wanted to assist the House, they would have given us a great deal more time, especially as the Bill will not come into early effect. The reality is that there is ample time for proper consideration.

My hon. and learned Friend sketched out the principal arguments against timetable motions of this kind, and I shall add one or two further comments. First, we must never forget that the Report stage is the only opportunity for Members of this House who were not members of the Standing Committee to scrutinise the detail of a Bill. On this occasion, they will be allowed no more than five hours for that detailed scrutiny. In my view, that is wrong in principle.

My second point which is rather different, although the hon. Member for Orkney and Shetland (Mr. Carmichael) alluded to it when he spoke about retaining a tight focus when framing his amendments, is that hon. Members faced with tight guillotines often do not table the amendments that they would table if more time were available. As a consequence, Bills are not being scrutinised properly. The grossest example of a Bill that was not properly scrutinised is the one that became the Criminal Justice Act 2003, which has been criticised time and again, in the Court of Appeal and elsewhere, for its inadequate construction and the poor scrutiny that it received here. The same thing is happening again.

I hope that the House will never allow a timetable motion to go through without a protest and a vote. The Government say that that will circumscribe debate. Although true, that is unworthy of this House—but typical of this Government.

3.51 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I, too, rise to support what my hon. and learned Friend the Member for Harborough (Mr. Garnier) said from the Front Bench, and the comments that my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) has just made. My distinguished colleague was right to say that the time available is the amount of time that the Government set.

The Government expect their supporters to march into the appropriate Lobby to support the proposition that it is fair to devote an hour and three quarters to the Bill's central contention, which is that a national identity register should be set up. This is a profoundly important piece of legislation, yet the Government say that the time allotted will be sufficient for scrutiny by Back-Bench Members from every party who could not attend the Standing Committee, or who were not put on it in the first place.

The Bill was in Committee for only seven days, and the Minister made much of the fact that it received 26 hours and six minutes of consideration. In any Parliament before 1997, that would have been laughable. This Bill affects every citizen of this country. With the fines that it can impose and its proposals for a

national identity register, it reaches into every particular of identity, yet it is not being discussed in the traditional manner on the Floor of the House of Commons.

John Bercow (Buckingham) (Con): Does my hon. Friend agree that the motion represents a travesty of parliamentary scrutiny, given the mass electorate that will be affected by the Bill? Is not that underlined by the fact that each amendment in the first two groups, although they relate to the very essence of the Bill, will receive only eight minutes of consideration—and that is on the rather unlikely assumption that there are no votes? Is not that an absolute disgrace?

Mr. Shepherd: I could not agree more. The essence of the argument is that at the heart of the Bill is a change in the relationship between an individual's identity and the Government. Outside wartime emergency regulations, that represents a complete change in our relationship with the state. The Government think that a total of 26 hours and six minutes in Committee discharges their responsibility to this House and to the people whom we represent.

This Bill is important, but we face yet another guillotine. It has been said that the Government rule by guillotine, not by winning arguments in debate. That is why the House should reject the motion.

3.54 pm

Mr. William Cash (Stone) (Con): I am grateful to my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) and my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) for pointing out a number of vital matters. I heard one of the Ministers refer to the Leader of the Opposition in the context of the Bill. He will know that I have had the gravest doubts about the way in which the Bill was presented on Second Reading. When the matter was decided in 1995, it was pursued on a voluntary basis.

I heard the Minister this morning on the "Today" programme refer to an enabling Bill. The enabling process changes the nature of the operation completely and will not allow proper debate. As the Minister well knows, the reality is that in the context of what the Information Commissioner said, this is about state surveillance. That is why I presented George Orwell's book "1984" to the Home Secretary who, to his disgrace, is not here this afternoon.

With great respect to you, Mr. Speaker, Standing Orders have been taken over by the Executive, and that has led to the situation today. They should be returned to you. This is the constitutional question that we face. Matters related to guillotines and programme motions should be decided not by the majority in the House but by indisputably distinguished and independent parties—in particular yourself, Mr. Speaker. It is a disgrace to hear Ministers from the Home Office suggest otherwise.

3.56 pm

Dr. William McCrea (South Antrim) (DUP): The legislation before the House is important because it affects every citizen across the United Kingdom, so it is important that we discharge our duty as parliamentarians fully to discuss the Bill. That is why I and my colleagues reject any question of a guillotine, and if there is a vote we will certainly oppose the Government.

Question put:—

The House divided: Ayes 322, Noes 257.

Division No. 88] [3.57

AYES

Abbott, Ms Diane	Creagh, Mary
Ainger, Nick	Cryer, Mrs. Ann
Ainsworth, rh Mr. Bob	Cummings, John
Alexander, rh Mr. Douglas	Cunningham, Mr. Jim
Anderson, Mr. David	Cunningham, Tony
Anderson, Janet	Darling, rh Mr. Alistair
Armstrong, rh Hilary	David, Mr. Wayne
Atkins, Charlotte	Davidson, Mr. Ian
Austin, Mr. Ian	Denham, rh Mr. John
Austin, John	Devine, Mr. Jim
Bailey, Mr. Adrian	Dhanda, Mr. Parmjit
Baird, Vera	Diamond, Mr. Andrew
Balls, Ed	Dobbin, Jim
Banks, Gordon	Dobson, rh Frank
Barlow, Ms Celia	Donohoe, Mr. Brian H.
Barron, rh Mr. Kevin	Doran, Mr. Frank
Battle, rh John	Dowd, Jim
Bayley, Hugh	Drew, Mr. David
Begg, Miss Anne	Eagle, Angela
Bell, Sir Stuart	Eagle, Maria
Benn, rh Hilary	Efford, Clive
Benton, Mr. Joe	Ellman, Mrs. Louise
Berry, Roger	Engel, Mrs. Natascha
Betts, Mr. Clive	Ennis, Jeff
Blackman, Liz	Etherington, Bill
Blackman-Woods, Dr. Roberta	Fawsitt, Paul
Blears, rh Hazel	Field, rh Mr. Frank
Blizzard, Mr. Bob	Fitzpatrick, Jim
Blunkett, rh Mr. David	Flello, Mr. Robert
Borrow, Mr. David S.	Flint, Caroline
Bradshaw, Mr. Ben	Flynn, Paul
Brennan, Kevin	Follett, Barbara
Brown, Lyn	Foster, Mr. Michael (Worcester)
Brown, rh Mr. Nicholas	Foster, Michael Jabez (Hastings and Rye)
Browne, rh Mr. Des	Francis, Dr. Hywel
Bryant, Chris	Gapes, Mike
Buck, Ms Karen	Gardiner, Barry
Burden, Richard	George, rh Mr. Bruce
Burgon, Colin	Gerrard, Mr. Neil
Burnham, Andy	Gibson, Dr. Ian
Butler, Ms Dawn	Gilroy, Linda
Byers, rh Mr. Stephen	Godsiff, Mr. Roger
Byrne, Mr. Liam	Goggins, Paul
Caborn, rh Mr. Richard	Goodman, Helen
Cairns, David	Griffith, Nia
Campbell, Mr. Alan	Grogan, Mr. John
Caton, Mr. Martin	Gwynne, Andrew
Cawsey, Mr. Ian	Hall, Mr. Mike
Challen, Colin	Hall, Patrick
Chapman, Ben	Hamilton, Mr. David
Chaytor, Mr. David	Hamilton, Mr. Fabian
Clapham, Mr. Michael	Hanson, Mr. David
Clark, Ms Katy	Harman, rh Ms Harriet
Clark, Paul	Harris, Mr. Tom
Clarke, rh Mr. Charles	Havard, Mr. Dai
Clarke, rh Mr. Tom	Healey, John
Clelland, Mr. David	Henderson, Mr. Doug
Clwyd, rh Ann	Hendrick, Mr. Mark
Coffey, Ann	Hepburn, Mr. Stephen
Cohen, Harry	Heppell, Mr. John
Connarty, Michael	Hesford, Stephen
Cooper, Rosie	Hewitt, rh Ms Patricia
Cooper, Yvette	Heyes, David
Cousins, Jim	Hill, rh Keith
Crausby, Mr. David	

Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Iranco-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Liddon, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Macsgregor, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Neyemith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickles, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Reynolds, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Trussell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Vernon Coaker and
Mr. Frank Roy

NOES

Abbott, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Bread, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Elwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Fraser, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David

Question accordingly negatived.

Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waller, Mr. Robert
Watkinson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. David Evennett and
Mr. Henry Bellingham

Question accordingly agreed to.

Ann Winterton (Congleton) (Con): On a point of order, Mr. Speaker. Would you look into the fact that on two occasions since we returned to the House what is known as the chauffeurs' entrance has been closed during a Division? I understand that responsibility has passed from the police to the security services in the House, and I wonder whether you could ensure that in future when the Division bell rings entrances are open so that Members of Parliament can come to vote as soon as possible.

Mr. Speaker: I thank the hon. Lady for raising that matter. I instruct the Serjeant at Arms to look into it.

Orders of the Day

Identity Cards Bill

As amended in the Standing Committee, considered.

4.13 pm

Mr. David Heath (Somerton and Frome) (LD): I beg to move, That the Bill be recommitted to a Select Committee.

Members hold many serious reservations about the Bill, and even more reservations are held by people outside the House. That is not reason in itself to recommit to a Select Committee; indeed, there is opportunity under the normal Committee and Report process for us to consider the principled reasons, but the Bill, almost more than any other, depends on the practicalities. If it does not work, if it costs vastly more than the Government say it will cost and if conclusions can be drawn about the scope of the information stored on identity cards, the enabling Bill—on repeated occasions, the Minister has stressed that it is enabling legislation—has completely different connotations and the House ought seriously to consider them.

I accept that the Standing Committee process is, in many ways, a good means of examining the detail of a Bill—line by line—but it is difficult for a Standing Committee to perform the same role in respect of this enabling Bill. The process is thus imperfect and does not allow hon. Members to consider matters in depth.

The Committee that considered the Bill certainly did not have the opportunity to examine issues in detail, many of which the Government raised following the conclusion of the 11th sitting on 21 July. Indeed, the Home Affairs Committee undertook an in-depth examination, but that—*[Interruption.]*

Mr. Speaker: Order. There are far too many private conversations in the Chamber, which is unfair to the House.

Mr. Heath: I am grateful, Mr. Speaker.

The Home Affairs Committee reported on 20 July 2004—more than a year before the end of the Standing Committee process. The House has thus not had the benefit of the inquisitorial method of working that Select Committees use.

Three matters of principal concern have arisen since the end of the Standing Committee, the first of which is costs. Hon. Members on both sides of the House have repeatedly raised the question of costs throughout the passage of the Bill because it is critical to our understanding of what the national identity card system will mean. Some of us believe that the large investment that the Government propose would be better spent on other forms of detecting and preventing crime, but that is an aside. We need to know the Government's intentions, which were made clear only in the past few days through what the press described as a string of concessions to critics in an effort to avert a rebellion. I do not know whether a rebellion will be averted, but I do know that the House is entitled critically to examine the Government's costings. We must be assured that the costings are robust and capable of being realised. We especially need to examine the Minister's proposed arrangements to recoup funds from other Departments, which will be critical to the working of the scheme.

Secondly, we must consider something that is rather inelegantly called function creep. The Minister has been somewhat undermined by his colleagues in the Cabinet Office, because the Government's chief information officer's draft information technology strategy has been leaked over the past few days. On identity cards, it is important to note that the document reveals:

"Identity management is a subject whose time has now arrived."

It says that the Government are leading the debate on identity cards and will be using it as part of a

"suite of identity management solutions"

to enable public and private sectors to provide cost-effective electronic services. The document also says that data sharing will increase under new proposals.

Those are legitimate matters of concern for many hon. Members, so we want to find out what the Cabinet Office proposes and whether the Home Office agrees.

Thirdly, the efficacy of the proposals—their ability to do what they say they will do—is a matter of huge concern among many hon. Members. In the past few days—after the Standing Committee concluded—we found out the results of tests on the card system. The system works perfectly well—unless a person is disabled, has dark skin, has brown eyes, is bald, or is wrinkled. If someone makes the mistake of being bald and wrinkled, the system tells them that their head is upside down. If a person is a labourer, typist, or pianist, the system does not work. The system does not work if a person undertakes a voluntary change of appearance, which rules out every teenager in the country. If people make the mistake of ageing, identity card technology is not for them. In fact, it has been revealed that one in 1,000 cases result in a misidentification. As 13.5 million people a month go through British airports, there will be 13,500 misidentifications every month, which will do wonders for the queues at security checks.

The Minister's response is that multiple identifiers will cure that problem, but I draw the House's attention to the front page of today's edition of *The Scotsman*. It says that ID cards equal more fraud and quotes at length Mr. Jerry Fishenden, the national technology officer for Microsoft—a company one would expect to know something about the subject—who says that the identity card scheme as envisaged will result in "massive identity fraud" on a scale as yet unseen. On balance, I prefer the evidence of the Microsoft bosses to that of the Minister, but it is for a Select Committee to look in detail at the proposals. It could call Mr. Fishenden to give evidence.

Mr. David Winnick (Walsall, North) (Lab): Will the hon. Gentleman give way?

Mr. Heath: I do not think I would be in order if I accepted an intervention, as I am giving a statement of the reasons for recommittal.

It is essential that, before the Bill leaves the House today, a Special Select Committee should have the opportunity to take evidence, examine witnesses and give the House the benefit of reasoned advice on this subject. I shall close with a quote from the Minister of

State, who will tell me in a moment that he agrees with the recommittal motion and that this is a matter that should go before a Select Committee. He said that

"the arguments ... have shifted away from civil liberties to practicalities and costs, and those are the issues we must address".

The Government must address those issues, but so must the House if it is to do its job properly. It cannot do so within the confines of Report and Third Reading as envisaged in the programme motion. The Bill must return to Committee if the House is not to divest itself of its responsibilities and leave it yet again to another place to do the job that we should be doing as the primary Chamber.

4.22 pm

Mr. McNulty: I fully intend to give the motion the short shrift that it deserves. The matters of substance about which the hon. Member for Somerton and Frome (Mr. Heath) spoke will be dealt with, not just by the House in our remaining time today but by the other place. As the hon. and learned Member for Harborough (Mr. Garnier) will agree, we look at things 61 times whenever matters of substance and detail come back to the House. As I have repeatedly said, this is enabling legislation.

As for the history of the proposal, the simple fact is that the Bill and the policy underlying it have probably received more consultation and scrutiny than most legislation. That started in 2002 with an initial six-month public consultation on the entitlement cards and identity fraud consultation paper. An inquiry by the Home Affairs Committee began in 2003 following publication of the Government's policy statement on the introduction of identity cards in "Identity Cards—The Next Steps" in November 2003. The draft Identity Cards Bill was published in April 2004.

Mr. Winnick: Will the Minister give way?

Mr. McNulty: I am not permitted to do so, for the reasons already given by the hon. Member for Somerton and Frome.

The draft Bill was published in April 2004, and the Select Committee went on to undertake formal pre-legislative scrutiny of it, publishing its report in October 2004. We then introduced the first Identity Cards Bill in November 2004, and its Committee stage consisted of eight sittings totalling 24 hours. I know that that will not please the hon. Member for Stone (Mr. Cash), but it is a normal time scale. That Bill was passed by the House in February 2005 but ran out of time in the House of Lords because of the May election. Prior to the election, there were two full Select Committee inquiries and full determination by a Standing Committee of the House. To suggest that the Bill has not been subjected to due scrutiny is nonsense.

The Bill has come back before us after due process in a Committee for 11 sittings over seven days, a total of 26 hours and six minutes. That six minutes may include the time that there were two Liberals present in Committee. For the substantive part of the debate, there were not two Liberals present, for whatever reason, yet they have the cheek to propose to the House that the Bill be recommitted to a Select Committee. For 90 per cent. of the time they could not be bothered to have their full complement at the Standing Committee. That is outrageous.

The Bill is very similar to the one passed in February. Because it is an enabling Bill, as I said, much more detailed work will be undertaken by the House in the usual way before the cards are introduced in 2008. It is right to put the legislation in place now so that we can start to put in hand the detailed arrangements for procurement and for building the scheme, and to establish a new agency based on UK Passport Service to be responsible for issuing ID cards. All those matters of detail will have been discussed by the House on 61 occasions, which is right and proper, given that it is enabling legislation. I am sure the House will agree that we would spend our time far better this afternoon debating the substance of the Bill, rather than a silly little motion from the Liberal Democrats.

Question put, pursuant to Standing Order No. 74 (Re-committal of Bill):—

The House divided: Ayes 243, Noes 326.

Division No. 58] **[4.27 pm**

AYES

Afriyie, Adam	Clifton-Brown, Mr. Geoffrey
Ainsworth, Mr. Peter	Conway, Derek
Alexander, Danny	Cormack, Sir Patrick
Amess, Mr. David	Cox, Mr. Geoffrey
Arbuthnot, rh Mr. James	Crabb, Mr. Stephen
Atkinson, Mr. Peter	Curry, rh Mr. David
Bacon, Mr. Richard	Davey, Mr. Edward
Baker, Norman	Davies, Philip
Baldry, Tony	Djanogly, Mr. Jonathan
Barker, Gregory	Dodds, Mr. Nigel
Baron, Mr. John	Donaldson, Mr. Jeffrey M.
Barrett, John	Dorrell, rh Mr. Stephen
Beith, rh Mr. Alan	Dorries, Mrs. Nadine
Bellingham, Mr. Henry	Duddridge, James
Benyon, Mr. Richard	Duncan Smith, rh Mr. Iain
Bercow, John	Dunne, Mr. Philip
Binley, Mr. Brian	Ellwood, Mr. Tobias
Blunt, Mr. Crispin	Evennett, Mr. David
Bone, Mr. Peter	Fabricant, Michael
Boswell, Mr. Tim	Fallon, Mr. Michael
Bottomley, Peter	Farron, Tim
Brady, Mr. Graham	Featherstone, Lynne
Brake, Tom	Field, Mr. Mark
Brazier, Mr. Julian	Fisher, Mark
Breed, Mr. Colin	Forth, rh Mr. Eric
Brokenshire, James	Foster, Mr. Don
Brooke, Annette	Francois, Mr. Mark
Browne, Mr. Jeremy	Fraser, Mr. Christopher
Browning, Angela	Galloway, Mr. George
Bruce, Malcolm	Gauke, Mr. David
Burns, Mr. Simon	George, Andrew
Burrowes, Mr. David	Gibb, Mr. Nick
Burstow, Mr. Paul	Gidley, Sandra
Burt, Alistair	Gillan, Mrs. Cheryl
Butterfill, Sir John	Goldsworthy, Julie
Cable, Dr. Vincent	Goodman, Mr. Paul
Campbell, rh Sir Menzies	Goodwill, Mr. Robert
Carmichael, Mr. Alistair	Gove, Michael
Carswell, Mr. Douglas	Green, Damian
Cash, Mr. William	Greening, Justine
Chope, Mr. Christopher	Greenway, Mr. John
Clappison, Mr. James	Gummer, rh Mr. John
Clark, Greg	Hague, rh Mr. William
Clark, Ms Katy	Hammond, Stephen
Clegg, Mr. Nick	

Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hulme, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lawe, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Oaten, Mr. Mark
Öpik, Lembit
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Reid, Mr. Alan
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shephard, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Geraldine
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Bob Russell and
Lorely Burt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith

Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
Mclsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Nayamith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pendry, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Serwer, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Vernon Coaker and
Mr. Frank Roy

Question accordingly negatived.

Clause 1

The National Identity Register

4.38 pm

Patrick Mercer (Newark) (Con): I beg to move amendment No. 8, in page 1, line 10, after 'others', insert 'who reasonably require proof'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments:

No. 9, in page 1, line 16, leave out from beginning to end of line 6 on page 2 and insert—

'(a) of assistance to the Secretary of State in preventing or detecting terrorist acts in the United Kingdom or elsewhere or otherwise in the interests of national security;

(b) of assistance to the Secretary of State in preventing or detecting serious crime;

(c) for the purposes of controlling illegal immigration and enforcing immigration controls; or

(d) for the purpose of securing proper provision of relevant public services.

(4A) For the purposes of subsection(4)—

"relevant public services" means the provision of—

(a) healthcare,

(b) housing,

(c) education, and

(d) social benefits;

"serious crime" means crime giving rise to an offence triable only on indictment.'.

No. 6, in page 1, line 16, leave out paragraph (a).

No. 10, in page 2, line 1, leave out 'prevention or'.

No. 24, in page 2, line 1, after second 'of', insert 'serious'.

No. 15, in, clause 8, page 7, line 10, leave out 'and'.

Government amendment No. 2

[Mr. Deputy Speaker]

No. 16, in clause 8, page 7, line 12, at end insert

'and

(c) is issued for the following purposes only—

(i) to assist in preventing or detecting terrorist acts in the United Kingdom or elsewhere or otherwise in the interests of national security;

(ii) to assist the Secretary of State in preventing or detecting serious crime;

(iii) the purposes of controlling illegal immigration and enforcing immigration controls;

(iv) the purposes of securing proper provision of the following public services, namely

(a) healthcare,

(b) housing,

(c) education, and

(d) social security benefits.'.

No. 20, in clause 45, page 39, line 14, at end insert

'But an order bringing sections 8 to 10 into force may not be made unless a draft of the order has been laid before, and approved by, a resolution of both Houses of Parliament.'.

Patrick Mercer: We have been here so many times previously, and I am sure that the Under-Secretary, the hon. Member for Leigh (Andy Burnham), is sharpening his knife to prepare many of the arguments that I have heard twice in Committee and on which his knife has been blunted at least once.

I hope that the group of amendments, which simply questions the purpose of the register and logically extends that questioning to the card, is reasonably straightforward. I hope that the amendments are self-explanatory but I shall speak briefly about them.

Clause 1(3)(a) reads:

"The statutory purposes are to facilitate, by the maintenance of a record of registrable facts about individuals in the United Kingdom . . . the provision of a convenient method for such individuals to prove registrable facts about themselves to others",

to which amendment No. 8 would add, "who reasonably require proof".

Amendment No. 9 makes a considerable addition to the provisions, and is logically followed by amendment No. 16, which would amend part of the register and the card referred to later in the Bill. Amendment No. 9 would delete paragraphs (a) to (e) of clause 1(4), and would add a new paragraph (a) that something is necessary in the public interest if it is:

"of assistance to the Secretary of State in preventing or detecting terrorist acts in the United Kingdom or elsewhere or otherwise in the interests of national security".

Everyone can read the amendment for themselves, but I would like to point out that it also proposes the addition of the words:

"For the purposes of subsection (4)—

'relevant public services' means the provision of—

(a) healthcare,

(b) housing,

(c) education, and

(d) social benefits;

'serious crime' means crime giving rise to an offence triable only on indictment.'."

Except for the last line, that provision is almost the same as amendment No. 16, which relates to identity cards rather than to the register of facts. I hope that amendment No. 6 is also fairly clear. It simply proposes to delete the reference to national security in clause 1(4)(a).

The purpose of the amendments is to question in detail precisely why we are setting about this extremely difficult, demanding and intrusive piece of legislation. We have already heard the contradictory explanations for the purpose of the register and the card. For instance, on 3 July 2002, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), who was then Home Secretary, said:

"I accept that it is important that we do not pretend that an entitlement card would be an overwhelming factor in combating international terrorism".

Later, however, in answer to a question from another Member of Parliament, he said that he would not rule out the possibility of

"their substantial contribution to countering terrorism".—[*Official Report*, 3 July 2002; Vol. 388, c. 231, 236.]

I hope that the Minister will explain how those statements now stack up, after the relatively short space of three years. In the light of the events of 7 and 21 July, can the former Home Secretary's opinions be reconciled with the Minister's adapted view of the register and the card?

In December 2004, the right hon. Member for Sheffield, Brightside told Parliament that the security services had advised him that 35 per cent. of terrorists used false identification. The general secretary of Interpol, Ron Noble, told the House of Lords Home Affairs Committee that all terrorist incidents involved the use of a false passport. However, when he was challenged about that claim, he was unable to present evidence to support it. In 2004, Privacy International published the findings of the only research ever conducted into the relationship between identity cards and terrorism. It found that there was no evidence to support the claim that the cards could combat terrorist threats. Its report stated:

"The presence of an identity card is not recognised by analysts as a meaningful or significant component in anti-terrorism strategies."

The events of 7 and 21 July obviously brought this issue into much closer focus. I thought it instructive that the current Home Secretary pointed out at the time that even if identity cards had been used, they would have made absolutely no difference to the events of those two days, which the Minister and I both remember clearly, as we were in Committee on at least one of those days.

If this card is designed to combat terrorism, how can it do so against the sort of terrorist that we saw operating in this country in July? This country has tried identity cards previously in the shape of specialist driving licences, as issued in Northern Ireland. They were never broadcast as such, but they were a distinct attempt to try to contain terrorism using a form of identity card. They failed—I can vouch for that, as I was there at the time. The great benefit to us 10, 20 or 30 years ago was that those terrorists with whom we were dealing were identifiable, as many of the families involved had been engaged in terrorism for years, so it was a fair bet that a son or daughter born to a particular family might have subversive views. That is not so with the new brand of terrorist.

Lembit Öpik (Montgomeryshire) (LD): In relation to Northern Ireland, I agree that there have been attempts

at introducing one form of identification or another down the years. Does he agree that were there any evidence whatever to suggest that formal identification methodologies had been effective in Northern Ireland, the Government would have provided it, yet there has not been a single occasion on which they have been able to do so in the entire history of the identity cards debate?

Patrick Mercer: I am grateful for that intervention, and I will answer the hon. Gentleman by saying that it was my experience that this quasi-identity card—which was issued first in the mid-1970s, I think—had a converse effect to that which the Government sought. As he will remember, anybody who had such a card or driving licence on their person had a pass, which, if shown to police or soldiers, gave them free passage. So, it had precisely the opposite effect to that which was intended. If the cards had worked in Ulster, why was their further use not developed? Why was biometric information not added to those cards when that experiment was tried? Empirically, the experiment failed to control terrorism, and I believe that it will do so again. From the mouths of Ministers, including the Home Secretary, it is acknowledged that identity cards would not have affected how "clean skins" operate inside this country.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I have been listening to the hon. Gentleman's argument, and I accept that identity cards would not prevent a particular incident from taking place. However, their use and a register would make it much easier to identify people using multiple identities subsequently, and would therefore aid their capture and reduce the global pool of would-be terrorists.

Patrick Mercer: That is a fair point. If that is the case, however, first, let us confirm that the biometrics and technology will work to allow that to happen. Secondly, why did the Home Secretary say in July that identity cards would not have affected the two sets of attacks? I do not know. Conceivably, if the card can be made to work, if the biometrics are feasible, and if it comes in at a reasonable cost, there may be something in it. I see nothing at the moment that suggests that it would work, however.

Mr. Bailey: I cannot recall the Home Secretary's exact words in July, but I do recall a discussion about the use of identity cards in Spain to identify the Madrid bombers, and about mobile phones. Because it was necessary to register an identity card when buying a mobile phone, it was possible to track down the bombers.

Patrick Mercer: That is not the point that the Government are making. The bombers in Spain were identified as a result of a number of basic mistakes that they made with the use of mobile phones. The fact that evidence had been well maintained and recorded, and had been used by both the mobile phone companies and the police—as well as the curiously amateurish behaviour of the terrorists—allowed the terrorists to be identified.

The hon. Gentleman did, however, make a fair point. The bombers who killed themselves on 7 July did two things very deliberately. First, they made sure that their faces were recorded by cameras before they went to their deaths. Secondly—this is really the point—they made sure that they had on them forms of identity so that their bodies could be identified, and they would reap whatever rewards they thought they might as a result of claiming responsibility for their acts.

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): Is the hon. Gentleman suggesting that the Spanish identity card played no role in the detection of those responsible for the Madrid bombings?

Patrick Mercer: It certainly played no role in preventing the bombings, although it helped when linked with telephone records.

Had identity cards been on the bodies of the 7 July bombers, that would have been frightfully helpful; but that is not the point. The cards are not about trying to identify dead bodies. They are about what we call preventing terrorism.

Andy Burnham: The bombers in Spain were still alive, and the police and security services were able to locate them rapidly. That may have prevented them from carrying out further damage and destruction.

Patrick Mercer: That is simply not the case. As the Minister is well aware, those terrorists attacked again within two weeks.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I think that this is a bit of a red herring. The amendments are concerned with how we can make the register more robust. Loopholes in the Bill need to be tightened. There are far too many freedoms in it. We are trying to deal with serious crime. We are trying to ensure that facts about security are listed. We shall discuss that later, but massive loopholes are littered throughout the Bill, and we seek to tighten them.

May I add that all this discussion about whether or not someone has—

Mr. Deputy Speaker: No, the hon. Gentleman may not. An intervention should be very much more concise.

Patrick Mercer: My hon. Friend is right: there are loopholes all over the place. The amendments seek to define the purpose of the register and of the identity cards, which is why at least two are linked.

Lynne Jones (Birmingham, Selly Oak) (Lab): I agree with the hon. Member for Bournemouth, East (Mr. Ellwood). Is not the point that the Spanish identity card has a very different scope from the card proposed in the Bill, which includes an enormous database? The Government could obtain the advantages that they believe the Spanish card provides with a much simpler system.

Patrick Mercer: The hon. Lady is right. The Spanish model is entirely different from the one proposed by the Government.

In the context of terrorism, the card stands condemned by its own statements and indeed those of Ministers. Let me amplify a point I made earlier. In

[Patrick Mercer]

January this year, a mess tent in Baghdad was blown to pieces. There were 43 casualties, both Iraqi and American. It seems likely that the suicide bomber who blew them up was an Iraqi policeman, and that he was carrying an identity card that allowed him to get through the security checks and to penetrate to the very centre of his target before detonating his bomb. In some ways, such a card would not impede terrorism; indeed, it might actually help it.

Mr. John Gummer (Suffolk, Coastal) (Con): Do we not need to know from the Government precisely how helpful identity cards and the register would be in the detection and prevention of terrorism, so that we can judge whether the system's disadvantages would be outweighed by such help? Is it not true that at the moment, the Government are offering the blanket statement—sometimes it is a blanket statement—that this provision will be frightfully helpful in dealing with terrorism, but that on other occasions, they say that it will not be quite so helpful? What we really need to know is how helpful it would be, so that we can properly judge whether it is worth the candle.

Patrick Mercer: I am grateful to my right hon. Friend for that intervention and he is absolutely right: we need to ask ourselves whether this card is really going to deliver the promises that have been made. I have made the point, I trust, that the Government's view changes by the day. On First Reading, which I had the perhaps tainted pleasure of attending some months ago, terrorism played a big part in the Bill's logic. When we went through the Bill for the second time, the Government's line suddenly changed after 7 July. In a way, it is lucky for them that the House rose on 21 July, before these issues could be examined in any great detail.

Mr. Lindsay Hoyle (Chorley) (Lab): I have great respect for the hon. Gentleman's military background and for the great knowledge that he brings to this House, but I am a little bit concerned about the example of the mess tent bombing that he mentioned. He said that the ID card allowed the bomber to access the tent and then to explode the bomb, but even if the bomber had not possessed such a card, he would surely have had some kind of pass; in fact, without one he could not have been a member of the police force. We should also consider the example of this House, which gives passes to people so that they can enter it. So trying to argue that the ID card allowed the bomb to be planted in the mess tent is stretching the House a little.

Patrick Mercer: I would not wish to stretch the House in any way, shape or form, and nor would I wish to stretch my credibility with the hon. Gentleman. I was trying to expand on, perhaps even dilate on, the point that a form of identity can—can—assist terrorists. Obviously, the circumstances in Iraq are very different from those that we face today. The fact remains, however, that had the identity card scheme been in place, such cards would quite legitimately and properly have been with all the bombers who died on 7 July. They might have been very useful in identifying their shattered remains, of course, but they certainly would not have prevented terrorism.

Mr. Peter Robinson (Belfast, East) (DUP): The hon. Gentleman is being very generous in giving way. Is it not true that the more the security forces rely on identity cards, the less alert they will be to other factors? In the Iraq case that was mentioned, the person in question probably waved the identity card and managed to get straight in. But if similar circumstances arise in the United Kingdom, it is very likely that terrorists who do not want to be detected will have false identity cards, and that they will therefore be waved through the various systems of checks.

Patrick Mercer: Possibly, but such terrorists need not necessarily have false identities. Having a proper, pukka, legal, straightforward identity will not prevent terrorism. I was a serving soldier in Northern Ireland when the illustrated driving licence was introduced—it was introduced first with a photograph and then with a thumbprint—and we were told that it would be the solution to terrorism. Much of the terrorism in Ulster was conducted by people using cars, trucks and the like, and we were told that the licence would solve the problem. It did not. On the contrary, the tired, wet, exhausted and distracted soldiers saw that piece of identity as a pass—something to assist rather than impede.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): There may be a number of circumstances in which possession of an identification card helps to prevent terrorism, but in the majority of cases, that will be so only if the possession and carrying of the card is made a mandatory requirement of law. That, of course, is expressly excluded by the Bill. Does my hon. Friend agree?

5 pm

Patrick Mercer: As usual, I am grateful to my right hon. and learned Friend for his intervention. He is quite right that the carriage of the card—though the register may have some useful purposes—is not required by the Bill. Having sat through several Committee sittings, I know that we were told that enabling legislation could be introduced quickly to compel people to carry the card, but I absolutely take my right hon. and learned Friend's point.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): My hon. Friend is being notably generous in giving way. This provision pertains to who is to maintain the register and what is to appear on the card when it is issued. I am very concerned both about what is going to be on the card and about who will have access to it. For example, could clause 1(4)(d) oblige every employer to check every potential employee and, if so, how will employers do that and how will they gain access to the register?

Patrick Mercer: Those questions certainly need to be answered, but I would suggest a prior question: will the card work? Is the technology capable of recording the various details to which my hon. Friend has just referred? I shall not test your patience further,

Mr. Deputy Speaker, by digressing to answer that question more fully. It will, in any case, recur later on and it remains a hugely good and important point.

I believe that the Government have tried to make the card all things to all men—a one-size-fits-all approach. We know that the card will not have to be carried and that no one can demand to see it, and we shall come on in due course to the cost of the card, which I believe will be prohibitive. The fact remains that the benefits of both the register and the identity card are highly dubious and I do not accept the claim that they will prevent terrorism.

Mark Fisher (Stoke-on-Trent, Central) (Lab): As others have said, the hon. Gentleman is being extraordinarily generous in giving way. He is establishing some important points, but before he finishes, will he comment on the fact that the card will not only articulate identity, but allow the actions of the bearer to be traced? It is both a contact card and a contact-less card. As one enters a public place, the card establishes that one has been there. When an individual possesses the card, the actions and activities of its bearer are traceable. That is an important matter, which has not been at the forefront of debates on the Floor of the House, though it may have been mentioned in Committee.

Patrick Mercer: I can certainly confirm that the human rights elements of what might be called the Big Brother aspects of the card have been explored thoroughly in Committee. To my mind, those aspects are hugely disagreeable, but if the Government wish to control a population, put a population under surveillance or poke their nose into every detail of someone's life, I can see that those aspects could be viewed as highly desirable. I would reply to the hon. Gentleman by posing the question whether the card could ever work.

Matthew Taylor (Truro and St. Austell) (LD): Pursuing that point, is not the opposite likely to be the case? Is not the process of registration of tens of millions of people built around the same paper process that we already use to identify people and is it not capable of being abused? Could we not be creating an opportunity for thousands or even tens of thousands of false identities to be created at the very process of registration in the first place—carrying over all the weaknesses of the present ID systems? Once the card is issued, the biometric data can tell us that this is the person who holds that card, but it certainly does not tell us that it is a genuine identity.

Patrick Mercer: The old aphorism relating to any form of computer or intelligence work is, "Rubbish in, rubbish out." Unless we get it right from the first principles, the card and the register stand little chance of success. *[Interruption.]* I seem to have had the desired effect on my own Benches. [*Laughter.*] We are getting the chance to check the dentures of one of my colleagues, thereby establishing his identity beyond doubt. [*Laughter.*]

Mr. Robert Marshall-Andrews (Medway) (Lab): If I may leave terrorism for a moment and go on to the second claim made by the Government, concerning serious and organised crime. I have asked the Government on a number of occasions to provide one—just one—example of a crime detected in this country in the recent past that would have been stopped by an identification card. No single example has been provided to me. Has any example been provided in Committee or to the hon. Gentleman?

Patrick Mercer: The hon. and learned Gentleman as usual puts his finger on it. I hope that my earlier quote from Interpol illustrates exactly that point. Nothing that is claimed for the card has been proved to my satisfaction.

The card claims much but in practice will deliver little. It changes with the wind. The Government sometimes see the card as being the cure-all to everything, a panacea across the piece. It will sort out crime and prevent terrorism. It will be an entitlement card without parallel. But this group of amendments exposes the card and the register for what they are; unworkable.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Clauses 1 and 2 contain the meat of the Bill, as was reflected in Committee by the exceptionally substantial debate that we had on them. I observe in passing that now they are on the Floor of the House, we are to be allowed one hour and seven minutes to do them justice.

As the hon. Member for Newark (Patrick Mercer) said, time and again the Government have damaged their own case by constantly seeking to oversell identity cards, presumably because of the extraordinary costs that will be involved in their introduction and operation. Just as one argument is knocked down, so it seems another has to be produced. We are told that it is about identity fraud and then that it is not; that it is about terrorism, and then that it is not; that it is about benefit fraud and then that it is not.

My concern is the same as that of the hon. Gentleman in relation to the underpinning of his amendments, although I have one or two detailed points where I disagree with him. I will come to them later, but my fundamental concern is that the Bill is exceptionally widely drawn. Nowhere is that more apparent than clause 1(4), which seeks to define those things that are considered to be necessary in the public interest.

The House will see that paragraphs (a) to (d) are fairly sensibly and reasonably drawn. Paragraph (a) says:

"in the interests of national security".

Paragraph (b) talks about

"the prevention or detection of crime"

—or as our amendment No. 24 would have it, "serious crime". Paragraph (c) says for

"the enforcement of immigration controls"

[Mr. Alistair Carmichael]

and (d)

"enforcement of prohibitions on unauthorised working or employment."

So far, so good. But when one comes to (e), one finds the catch-all,

"securing the efficient and effective provision of public services."

It is not so much a question of what that contains, but what it does not contain. The provision gives the Government carte blanche to hold and use information in just about any way they choose. As later clauses reveal, in almost every instance the Government will be able to appoint themselves the sole arbiter of what constitutes the public interest in these matters.

Lembit Öpik: Does my hon. Friend recall that I questioned the Prime Minister about this matter? Although the Labour-led Welsh Assembly voted against requiring the use of identity cards to access public services, the Prime Minister was not willing to give any indication that there might be an exemption for Wales. That makes me believe that the Government are hell bent on introducing the provision, and that they are not simply giving themselves the option to do so.

Mr. Carmichael: My hon. Friend raises an important point, and it is clear that there will be different modes of operation in different parts of the UK. He has highlighted the situation in Wales, but the Scottish Executive have already made their position clear. In the public services for which they are responsible—that is, health, education and policing, in the main—the Executive have stated that they have no wish to use identity cards. It seems, happily, that the influence of the control freaks in No. 10 Downing street lessens the further one gets from London.

Mr. Hogg: The hon. Gentleman is making a very persuasive speech. Is not his argument supported by the Select Committee report, which states, in terms, that the purpose provisions in clause 1 are too widely drawn? The report says that those provisions should be narrowly confined, and offers some recommendations in that respect.

Mr. Carmichael: The right hon. and learned Gentleman is right, and his intervention allows me to explain why the concerns about the widely drawn nature of the purposes in clause 1 are important. The debate is not simply about the possession of an identity, but about how the Government have constructed their proposals. They intend to set up a register of the information provided, and then the Bill details how that information is to be used—when, where, and for what purpose.

In effect, the Bill establishes a personal footprint for each individual that the Government can access—apparently at any time and for any reason, just about—to find where people have been and what they have been doing. As I and others have said in the House before, the Bill redefines the relationship between the citizen and the state, or the individual and the Government. It seems to proceed on the assumption that, in some way, the people are accountable to the Government. My contention is that that should be the other way around—that the Government should be accountable to the people. If the Government need access to the personal footprint that I have described, they should provide a coherent and compelling reason.

Matthew Taylor: My hon. Friend makes exactly the right point about how widely drawn are the powers of the state, as set out in clause 1. However, we know from the Cabinet Office leak that the Government also foresee that the information will be used by the private sector. Does my hon. Friend agree that a person's identity number and card may be required by a growing number of private-sector organisations, as validation of that individual's identity? As a result, those organisations will build up data around that number, and the Government may well be able to buy into that data. Is not this a system for allowing the collection of an almost infinite amount of information about individuals—by the Government, and by those who might try to access various forms of data networks about people? The latter may pay for that information, but they might also procure it illegitimately, by breaking into those data networks.

Mr. Deputy Speaker: Order. Interventions should be brief, as this debate is very much time limited.

Mr. Carmichael: There is very little that I need add to my hon. Friend's intervention, other than to say that he makes a good point about function creep. That becomes possible because the purposes are so widely drawn.

Government amendment No. 2 is unexceptionable. However, given the catalogue of examination that the Minister of State outlined earlier in response to the motion in the name of my hon. Friend the Member for Somerton and Frome (Mr. Heath), it is remarkable that the Government should still feel it necessary to table their own amendments.

The Minister of State was pressed in Committee on clause 7, which is the mechanism by which identity cards may be made compulsory. I read press reports during the summer months which suggested that the Minister had accepted during a Home Office seminar that the so-called super-affirmative procedure was defective and unworkable. Is that the case? If so, why have the Government not tabled amendments to rectify the defects today?

5.15 pm

Mr. Gummer: I am one of those in the House who believes in identity cards. My problem with the Bill is that the Government have shown an infallible ability so to form it that it drives away from their support the very people whose support one would have thought that they could have gained.

The amendments go to the heart of the matter. The hon. Member for Orkney and Shetland (Mr. Carmichael) has rightly pointed out that with this Bill the Government have given themselves every possibility to do almost anything in any circumstances. Many of us who are not unhappy with the concept of an identity card are unhappy with the concept of a Government who give themselves powers like that.

Governments have an insatiable desire for power and therefore will use it in ways that most of us will find unacceptable.

My hon. and learned Friend the Member for Harborough (Mr. Garnier) made the point that seems to me central to this issue. If we are to agree with the Government that we should have identity cards, we need to know three clear things. First, what restrictions on the use of identity information will the Government put permanently in place and what mechanisms will they use to do so? We need to know the scope of the legislation. These clauses show that the scope is in no way restricted. It is envisaged to be as wide as the Government think it should be at any particular time.

The second issue that the amendments raise is what the Government think that the identity card might do. I happen to think that there are certain areas in which it would be helpful and useful to have a unique register of everybody's name and address. It is possible to argue that that could be portrayed on a card. I happen to think the other way round from my hon. and learned Friend; I think that the register is more important than the card. Be that as it may, there are mechanisms by which this could be done. What the Government cannot do is to claim for identity cards things that are self-evidently not true. The Government in so doing are driving away people who might otherwise have been corralled. It seems to me that the Government are making a series of claims, hoping that one way or another they will pick up the support of all sorts of people whose support they would not otherwise have gained. In fact, the opposite is happening. As each of these claims is made and found wanting, people begin to ask whether the whole idea is a sensible one.

The third issue that the amendments raise is what my hon. and learned Friend the Member for Harborough referred to as "Will it work?" Unless we know its scope and what it is supposed to do, we can make no judgment as to whether this particular scheme—let alone the technology, which one cannot deal with on this group of amendments—will work. None of these things seem to me to be evident from the Bill. It is an inconvenience of the House that in these days of truncated debates and the significantly underused potential of Parliament, the only way in which we can get at these things is by tabling amendments such as this and asking for sensible responses. So I put three simple questions to the Minister. Will he put in the Library a list of the specific purposes of the Bill? What does he think he will be able to do after he has got it that he cannot do now? Will he, perhaps with a little narrative, describe incidents that could have been better dealt with if only he had had this particular equipment? That seems to me to be what any sensible person would do if they were running a business and thinking of spending a lot of money. They would ask how they could be in a better position and whether the solution would have been cost-effective if applied to their past actions.

Perhaps the Minister could explain the role of the identity card in the prevention of terrorism. I can see that it would be useful in circumstances in which someone claims to be Mr. Jones to check whether they are indeed that person. That is a satisfactory concept, but I cannot see how widely that could be used in the direct battle against terrorism. The Minister should tell us more about that.

I have always thought that it would be very helpful for people in this country to know that those people who claim benefits are entitled to them and not fiddling the system. I think that not for atavistic reasons, but because I happen to believe that benefits are an important part of a civilised society and people should not be besmirched because the system does not work very well. We have heard such contradictory views from the Government about how ID cards could be used against fraud, how much that might save and how many people might be involved, that it is difficult for any sane person to make a judgment. Many of us want to make a judgment, because we are not here for theological reasons only. Can the Minister give a definitive statement of how ID cards and the register will be useful in that area?

Dr. Roberta Blackman-Woods (City of Durham) (Lab): Why does the right hon. Gentleman have a problem with clause 1(4), which clearly outlines the purposes of the Bill? With which of those uses of the Bill does he have a problem?

Mr. Gummer: Well, clause 1(4) may outline the purposes of the Bill, but it is on such a broad canvas that it is like a Tintoretto painting, with many little figures. The Government have focused on a tiny part of the canal and said that they are concerned only about that bit, but they have painted all the rest in because it is pretty and because they might be concerned about that campanile at a later stage. That is a fanciful example, but perhaps it will cheer up those listening to the debate.

Mr. Hogg: My question for my right hon. Friend is in part a response to the hon. Member for City of Durham (Dr. Blackman-Woods). When my right hon. Friend sounds out the Minister, as he is doing so clearly, he may wish to ask what aspect of government does not fall within the definition of

"securing the efficient and effective provision of public services".

That is included in the stated purposes of the Bill.

Mr. Gummer: My right hon. and learned Friend has underlined the point that my metaphor of a great painting is far too small. The Bill will enable the Government to use the ID card and the register to discover the number of times an individual has used a public library, if they decide that discovering that fact is in the national interest. The hon. Lady must understand that the clause would enable the Government to discover anything they like—probably not the number of times a person uses public lavatories, but that could be one of the examples.

Mr. Edward Garnier (Harborough) (Con): When my right hon. Friend asks the Minister to place that document in the Library, will he also ask him to place in the Library a draft of the 60 statutory instruments that the Bill will give the Secretary of State the power to produce?

Mr. Hogg: 61.

Mr. Garnier: My right hon. and learned Friend is quite right. Will my right hon. Friend also ask the Minister to produce, as the Government promised they

[Mr. Garnier]

would in Committee, the code of practice on penalties, which is referred to in clause 36? We are legislating in a vacuum, and it is essential that my right hon. Friend presses his point because, unless the detail of the Bill is got right now, the public will be at a loss.

Mr. Gummer: My hon. and learned Friend is, of course, absolutely right, but my difficulty in increasing the number of things that I want to ask the Minister to do is that I will reveal to the world that close-kept secret that there is no information about anything that is detailed enough for anyone to make a real judgment about the Bill. I am not saying this from any antagonistic position. I want identity cards—they are a good idea—but the Minister is making it quite impossible for anyone who is logically, sensibly approaching this matter to vote for the Bill, for we know nothing about all the key issues. Without that knowledge, how am I to reassure my constituents, whom I have always told that I want identity cards—I have always supported them—that this proposal does not run counter to everything else that I have ever told them?

Lembit Öpik: Will the right hon. Gentleman add a further request to the long list of questions about the intention? Will he ask the Minister to explain how the Government will guarantee that no one with a mind to corrupt and abuse the database can gain access to it and perhaps gain employment by doing so? Obviously, if there is corruption on the inside, the system falls apart. I suspect that the Government will not be able to give that guarantee.

Mr. Gummer: The Minister will have heard the hon. Gentleman's sensible proposition. The Minister has received a number of requests, so I shall leave him with an answer: he ought to think seriously about taking the whole thing out of the Government's control. It seems to me that the Bill would be acceptable only if it were entirely independently controlled and all these issues were decided not by the Government and not by the weight of government. Frankly, these decisions are too important to be made by people who are parti pris. For the Government to decide what they think is in the public interest when what they will decide is what they think is in their interest, which is a wholly different thing, seems to be too great a power for the House to give to the Government. Therefore, I ask the Minister, please, not only to answer my questions, but to seek a different format that will ensure that, in this the mother of Parliaments, we do not give away to the Government powers that no previous generation has ever been willing to give.

Andy Burnham: I apologise to those Opposition Members who still wish to speak, but this section of debate will conclude at a quarter to 6, and a lot of serious issues have been raised about the purpose of the scheme, so it is only right to address them in detail.

Clause 1, with which we are preoccupied, sets out the purpose of the national identity register, and I would tell the right hon. Member for Suffolk, Coastal (Mr. Gummer) that two very clear statutory purposes for the Bill are given in that clause: first, to provide a convenient method by which individuals can prove who they are—he recognised that he might indeed welcome that—and, secondly, to provide a secure and reliable method by which public bodies and others can ascertain identification and thereby better serve the public interest.

Mr. Ellwood: I shall try to be briefer than I was in my last intervention. I thank you for allowing me some latitude, Mr. Deputy Speaker.

The register will only work if there is a way to check that an individual belongs to the ID, so verification systems—perhaps using some form of scanner—will be needed. Does the Minister agree that, every time we embark on a plane flight, we will have to confirm who we are by using some form of system to verify the card itself?

Andy Burnham: I most certainly do. When the hon. Gentleman travels on an aeroplane, I think he will find that he has to carry identification with him. That is nothing new, but by moving to a highly secure means of identification we can be sure that the people sitting in aeroplanes are who they claim to be. That is one of the principal reasons why we are introducing the Bill.

The point that Opposition Members seem to be missing is that, although they may not like it, the running of society depends on identification. Every day, millions of transactions are carried out by public and private sector bodies to ascertain people's identity. It is directly in the interest of us all, as individuals and as citizens, that those checks be carried out to the highest possible standard and as efficiently as possible.

5.30 pm

Mr. Hogg: The Minister is dealing with what is deemed to be in the public interest. Will he tell the House which aspects of government do not fall within the definition of

"securing the efficient and effective provision of public services"?

Most of us believe that it could extend to any function of government of every kind.

Andy Burnham: I know that the right hon. and learned Gentleman is assiduous in these matters and always reads the legislation, but perhaps I might refer him to paragraphs (a) to (e), subsection (4) of clause 1, where he will see clearly set out the purposes of the Bill and the functions for which we are introducing it. His answer is before him.

Mark Fisher: The Minister referred to the fact that people should be able to prove who they are, and in answer to the hon. Member for Bournemouth, East (Mr. Ellwood) cited the usefulness of passports in establishing people's identity before they went on a flight. The difference between a passport and an identity card, as far as I can work out, is that for a passport one's identity must be vouched for by a responsible person such as a doctor, magistrate or Member of Parliament. Will every person who registers for an identity card have to obtain an endorsement from an outside person?

Andy Burnham: That is not just for passports. Catching an internal flight in the UK requires a form of identification and the ID card would provide a useful means of doing that. As my hon. Friend knows, we are describing a system that would utterly change the method of applying for passports. It will involve moving to a system of application by interview, whereby the individual is present when they are enrolling their biometrics. That is the premise on which the scheme is being rolled out. That front-end system—the higher standard of identity check—will give my hon. Friend the guarantees that he seeks.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I should be grateful if the Minister returned to the question asked by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). He referred the Minister to paragraph (e) of subsection (4)—

"for the purpose of securing the efficient and effective provision of public services".

What falls outside that in the public interest? That was the question put to the Minister, but he merely referred us back to that paragraph. Will he please give a justification or an answer?

Andy Burnham: Across the public sector, bodies are performing identity checks day in, day out, be they the local council, the Criminal Records Bureau or the DVLA—any number of organisations. The point is that those checks are already being carried out, and if a higher standard of identity check can be introduced it must surely be in the interests of each and every one of us—*[Interruption.]* Does the hon. Gentleman want to listen to the answer? It is in the interest of each and every one of us that those checks be carried out to a higher standard than at present.

Several hon. Members *rose*—

Andy Burnham: I want to make progress to answer some of the points that Members have raised during the debate.

Let me make one thing clear to my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones): it is not and never has been our intention to create an elaborate database that would hold detailed personal profiles for every individual. Rather, it is our intention to create a system that takes basic personal facts about each of us—name, address and date of birth—which are already held on databases, such as those for passports or the DVLA, and link them to a unique personal identifier, such as a fingerprint or an iris scan.

Lembit Öpik: Will the Minister give way?

David Howarth (Cambridge) (LD): Will the Minister give way?

Andy Burnham: I want to finish answering the point raised by my hon. Friend the Member for Birmingham, Selly Oak.

The link between those basic facts and the unique identifier puts the individual citizen in control of the use of their data. They alone can put that personal stamp on those basic facts and they hold the key to their use. That is one of the main arguments for the system. It is a basic identification system, not the elaborate database about which my hon. Friend seemed to have concerns.

Lynne Jones: Will my hon. Friend explain how the Government's proposals, which involve storing 10 fingerprints, facial biometrics and two irises on the national database, will achieve his objectives more effectively than the requirements of the International Civil Aviation Organisation, under which just a face and fingerprint are stored on a chip on a card that people carry?

Andy Burnham: My hon. Friend raises an important point. We had to take a decision on the extent to which biometrics would be collected when enrolment was carried out. We believe that it is right to ensure that it will not be necessary to bring people back for further enrolment two or more years after their initial enrolment. The combination of different biometrics will give the high standard of identification check that we want.

Stewart Hosie (Dundee, East) (SNP): The Canadian Internet Policy and Public Interest Clinic, of all bodies, has put together information about the use of multiple biometrics. Far from creating fewer false accepts and false rejects, the reverse can be the case in certain circumstances, so multiple biometrics do not necessarily lead to the results that the Minister wants. His assertion in reply to the hon. Member for Birmingham, Selly Oak (Lynne Jones) was thus not correct, so will he comment on the fact that using multiple biometrics will not deliver the beneficial results that he wants?

Andy Burnham: We will proceed to a full technology trial if the Bill receives Royal Assent. In the interim, I refer the hon. Gentleman to the report by the National Physical Laboratory, which examined the matter in detail and concluded that biometric systems could be used in the way in which we propose. I also refer him to experiences in the United States, where such systems are already in widespread use. The technology is not new and coming to us only now, but established and used today throughout the world to prove people's identities.

Stewart Hosie: The German Federal Parliament's Office of Technology Assessment warned that introducing biometrics on such a scale would be a "gigantic laboratory test" and that face recognition was known to fail. Other bodies throughout the world argue the case against what the Minister says.

Andy Burnham: The European Union has already agreed to move in the direction of requiring the widespread use of biometrics. The United States has also taken such a decision in principle, as has the International Civil Aviation Organisation, to which my hon. Friend the Member for Birmingham, Selly Oak referred a few moments ago. It is up to the hon. Gentleman if he wants the British Government to stand back from that and thus ensure that British citizens have second-class passports that will not enable them to travel with freedom and convenience in the future, but Labour Members will not take that decision.

Mr. Marshall-Andrews: The Minister said that it was not the Government's intention to create a vast body of information and that the Bill sets out what may be stored on the database. However, he is aware that Ministers will be enabled by secondary legislation to add to the categories of information on the database, which causes great concern to many of us. Will he comment on that and, especially, the report in today's edition of *The Guardian* that the Government will give an undertaking that that power could not be used? I do not know where that provision appears in the Bill, so I would grateful if the Minister dealt with the matter.

Andy Burnham: We do not have time to consider Government amendment No. 1, but I refer my hon. and learned Friend to it because it will give him the reassurance that he wants. The hon. Member for Orkney and Shetland (Mr. Carmichael) raised the legitimate point in Committee that clause 1(5)(g) suggested that personal sensitive data could be covered by the Bill, such as those on the police national computer. We have thus tabled Government amendment No. 1 to rule out the use of sensitive personal data, as defined by the Data Protection Act 1998, with which my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) will be familiar.

Several hon. Members *rose—*

Andy Burnham: I will press on, because I do not have much time.

Terrorism was raised by many Opposition Members. No Minister has ever claimed that the proposal is a silver bullet to deal with terrorism, but the scheme as conceived will provide the security services and the police with a useful tool, enabling them to tackle and identify individuals responsible for terrorism. The right hon. Member for Suffolk, Coastal (Mr. Gummer) asked me to give a definitive statement explaining why the measure is useful in tackling terrorism. I refer him to the head of the Security Service, who said:

"ID cards will make it more difficult for terrorists to operate."

We must listen to the security services, and we must take on board the points that they make. The right hon. Gentleman will remember better than me debates in the early 1990s about closed circuit television in which the same fears about a surveillance society and function creep were expressed. No one in this country can doubt the role that CCTV played in the aftermath of the London bombings.

Patrick Mercer: I acknowledge what the head of the Security Service said, but where is the proof? Where is the evidence? Can the Minister point to an incident that was prevented at a certain time and place in a certain country because of the possession of such an identity card? Have things been improved?

Andy Burnham: The argument is clear. The main strength of the biometric system is that individuals can only register their personal details once, because they have only one set of biometrics to register. Terrorist networks around the world rely and thrive on the use of multiple identities. They use multiple travel documents and passports. Tackling that is one of the Bill's key strengths.

Lembit Öpik: The Minister and the Government have failed to answer a fundamental question. Can they guarantee that the system is not open to corruption? If the Minister wishes to be taken seriously on the issue, can he give a 100 per cent. commitment that there is no opportunity for corruption within the system itself?

Andy Burnham: All afternoon we have heard from Liberal Democrat conspiracy theorists who seem to think that this is about creating great things that will be used to control people. However, is the hon. Gentleman confident that the system for issuing passports is as secure as it could be? If he does not accept the new system, how does he propose to make the passport system more secure?

Lembit Öpik *rose—*

Andy Burnham: I will not give way, but as the hon. Gentleman has raised the issue on many occasions I shall give him one instance of a serious crime that identity cards could help to prevent. Last week, on Tuesday 11 October, *Metro* revealed that a fraudster who created 130 false identities to swindle hundreds of banks out £1.1 million was jailed for five and a half years. Identity fraud is not a figment of our imagination—it is a real problem that affects more and more of my constituents and perhaps the hon. Gentleman's too. The issue is repeatedly brought to our attention, so it is right to take action against it.

Mark Fisher: As we will not be able to debate Government amendment No. 1, will my hon. Friend explain the difference between a "registrable fact" and "information"? How does "information" differ from a "registrable fact"?

Andy Burnham: Government amendment No. 1 clarifies the definition of an identity card by means of a minor amendment. The information mentioned in clause 1 is qualified by the additional reference in Government amendment No. 2. That gives my hon. Friend the assurance that he seeks.

The points raised in the debate have been dealt with on many occasions by me and by my hon. Friend the Minister for Immigration, Citizenship and Nationality—

It being quarter to Six o'clock, MR. DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

The House divided: Ayes 267, Noes 321.

Division No. 57] **[5.45 pm**

AYES

Ainsworth, Mr. Peter	Baker, Norman
Alexander, Danny	Baldry, Tony
Ancram, rh Mr. Michael	Baron, Mr. John
Arbuthnot, rh Mr. James	Barrett, John
Atkinson, Mr. Peter	Beith, rh Mr. Alan

Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kidbrooke, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborn, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Peacock, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Wal[illegible]r, Mr. Robert
W[illegible]son, Mr. Nigel
W[illegible]on, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Evennett and
Mr. Henry Bellingham

NOES

Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard

Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Caveney, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Macaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
Mclaasc, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pickles, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Vernon Coaker

Question accordingly negatived.

It being after quarter to Six o'clock, MR DEPUTY SPEAKER *then proceeded to put forthwith the Question to be disposed of at that hour.*

Amendment made: No. 1, in page 2, line 20 [Clause 1], at end insert—

'(5A) But the registrable facts falling within subsection (5) (g) do 'not include any sensitive personal data (within the meaning of the Data Protection Act 1998 (c.29)) or anything the disclosure of which would tend to reveal such data.'.—*[Andy Burnham.]*

Clause 5

Applications Relating to Entries in the Register

6 pm

Mr. Nell Gerrard (Walthamstow) (Lab): I beg to move amendment No. 5, in page 4, line 42, leave out 'must' and insert

'may, if the applicant so chooses'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 39, in page 5, line 17, at end insert

', provided that the specified place is no further than 20 miles by road to the nearest point on the public road network to the individual's place of residence'.

No. 36, in page 5, line 18, leave out paragraph (b).

No. 37, in page 5, line 18, leave out

', and other biometric information about himself,'.

No. 38, in page 5, line 25, at end add—

'(7) The Secretary of State shall make provision for local facilities to satisfy the attendance requirements of subsection (5)(a).

(8) The Secretary of State shall make provision for home visits to people unfit to travel to satisfy the requirements of subsection (5)(a).'.

No. 13, in page 5, line 26, leave out Clause 6.

No. 14, in page 6, line 11, leave out Clause 7.

Mr. Gerrard: The amendment would make it possible to be issued with a designated document without having to go on the national identity register by replacing the word "must" with

"may, if the applicant so chooses."

It would thus remove one of the most important elements of compulsion from the Bill.

The content of the register and its use is probably the major issue for me. The register will be different from anything else that is being constructed in parts of the world where identity cards are used or biometric passports are being introduced. No other register of which I know has the audit trail that was mentioned earlier. The Government clearly have a problem when they say, as they have said from the beginning of the debates on identity cards, that the system will initially be voluntary. There is a contradiction between claiming that it will be voluntary and getting people on the national identity register. The amendment deals with that.

A related issue is defining exactly what constitutes a designated document. There is no doubt from comments in previous debates that a passport will be a designated document. That may apply to other things. From reading the Committee proceedings, a designated document might be a Criminal Records Bureau letter, a firearms certificate or a driving licence. That information is important because it affects the scope of clause 5 and those who will have to register under it to get a document that they may want or need.

Dealing with compulsion is at the heart of the amendment. Compulsion crops up in different forms in various clauses. The Government have clearly said that the Bill does not provide for compelling people to carry an identity card. There will be no compulsion, without further legislation, to produce an identity card to access services. There is no compulsion to have a card and be registered. However, the tactics are clear: the measure is an enabling Bill and, ultimately and inevitably, having a card will be compulsory. It will certainly become compulsory to register. It became clear during previous debates that that is the ultimate aim. The tactic is obviously to leave the difficult cases until the end. They include people who do not have passports or driving licences, such as those who are elderly or infirm, and those who are difficult to tackle because they have chaotic lifestyles.

However, clause 5 provides for compulsion from day one in a slightly more subtle form.

Dr. Nick Palmer (Broxtowe) (Lab): I apologise for missing the first moments of my hon. Friend's speech. Does not he agree that even the Bill's critics have said that it is desirable to test the concept of identity cards on a large number of people, otherwise we cannot get a fair impression? What is more natural than to test them on people who seek official documents, such as passports?

Mr. Gerrard: Some people might be prepared to be involved in trying out an ID card but let them make that choice rather than compelling them to do it. Let me be clear about what has been said previously. Some people have said to me that our manifesto contained a commitment to ID cards. Let me therefore quote the relevant passage. It states:

"We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and"—

the part that is especially relevant to the amendment—

"rolling out initially on a voluntary basis as people renew their passports."

Any normal person—by that I mean people outside this place—would interpret that as, "When I renew my passport, I can choose whether to go on the register and have an ID card." That is what "initially voluntary" would mean to anyone who read it.

However, the clause does not provide for something that is truly voluntary and the amendment tries to remedy that. Indeed, I am being generous because the amendment would provide for more than the manifesto outlined. It would apply not only to passports but to other registrable documents. To all practical purposes, the clause provides for compulsion.

Simon Hughes (North Southwark and Bermondsey) (LD): May I check that the hon. Gentleman and I share the same interpretation? The announcement yesterday that one could get a £30 identity card and buy a passport separately does not mean that, when one buys a passport, one would have the option of saying, "Thank you for the passport but I don't want the ID card." Unless the amendment is accepted, one would be made to have the ID card.

Mr. Gerrard: The hon. Gentleman is right. The Bill clearly provides that, to get a designated document, a person "must" include an application to be entered on the register. One could claim that the person did not necessarily have to be presented with an ID card, but being on the register is what matters. The implication is clear. Not registering would mean no renewal of a passport or new passport. According to what constitutes a designated document, it could mean no driving licence and no Criminal Records Bureau check. Of course, I could decide that I did not want a passport. I could decide not to travel, drive or apply to the Criminal Records Bureau. The implication is that, by not registering, I would lose abilities or what some of us regard as rights.

It has been accepted for hundreds of years that a British citizen has a right to leave and re-enter the country. The passport has traditionally been a travel document that facilitated one's ability to leave and return to the country. However, if the Bill is passed in its current form, I cannot exercise that right without registering my biometrics.

Simon Hughes: Does the hon. Gentleman also agree that many of us would be willing to accept an international agreement that, to travel internationally and have a passport, certain other information had to be given, but that that is entirely different from having to comply with the new Big Brother system, fill in a form and register in order to remain in our country and live here, without any international travel obligations? I will buy one but I shall never be persuaded of the second.

Mr. Gerrard: There is a question of choice involved: do we want to travel internationally? It might well be that, under international agreements, other information has to be stored. I do not have a problem with having biometric data on a passport; that is not the issue for me. The issue is the register, the database on which all that biometric and other information is to be stored.

Kali Mountford (Colne Valley) (Lab): Will my hon. Friend explain how he envisages a biometric passport working without the support of a register? If such a passport is presented in a country that requires a biometric passport without there being a register to check that the information is correct, how on earth is it to operate?

Mr. Gerrard: That question ought to be put to just about every other country in the world that is introducing biometric data on passports, because they are not going to have a national register such as the one proposed in the Bill. For instance, biometric passports are being introduced in Germany, yet German law specifically prohibits the construction of a database using that information. Biometric documents are also being introduced in Denmark, Sweden and Switzerland. Those countries are going down the road of introducing biometrics, but without setting up a national database.

The United States is often cited as the reason for our introducing biometric passports, because we will not be eligible for its visa waiver scheme if we do not have them. When we turn up at the airport in the US, a machine will compare the biometrics on our passport with our own personal biometrics. That is how the system will be used. A comparison will be made between the document that we are carrying and our personal biometrics. That will show that I am the person whose biometrics are on the document. The United States will not then try to check back to a national database, either in this country or anywhere else. If it wished to, there would need to be some serious amendments to the Bill to allow access by other countries to the information on our national register.

Mr. Ellwood: Does the hon. Gentleman agree that, to ensure that a terrorist did not get on to an aeroplane, if everyone were compelled to be on a register, their ID card would somehow have to be verified, to prove that they were the person whose details were on it? That means that we should need some form of verification device at every airport. That would make the ID card redundant, because everyone would be on the register, and the Minister confirmed earlier that there would be verification systems at airports. The question of whether ID cards should be compulsory is therefore academic.

Mr. Gerrard: We must be careful not to exaggerate what can be done through biometric checks at airports or anywhere else. It is possible to check whether I am the person whose details are on a card. But let us consider the number of people who come in and out of the UK or any other major country every year. About 80 million people, of whom 60 million are British citizens, come in and out of British airports each year. It is inevitable that many of them will be travelling without biometric documents for a long time to come. We must be careful not to exaggerate the level of security that we can achieve. I am not suggesting that we should not make those checks if they can be made, but the issue that really concerns me is not the general principle but the question of compelling someone who applies for a biometric passport to be on the register.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Does the hon. Gentleman agree that the Government's need to use this element of compulsion to get the scheme started suggests that it would not be a popular scheme if it were left to the voluntary initiative of individuals to decide to register on the database? By doing this, are not the Government recognising that the scheme will be unpopular?

Mr. Gerrard: The scheme will get less and less popular as people learn more about it. That is already happening, and it will continue once it starts to roll out. This has already been experienced in other countries: Australia is an obvious example. The more people knew about the system as it started to come into operation, the less popular it became. As I said earlier, the tactic is very clear: try to do the easy ones first. Someone who is applying for a passport, and who needs that passport, will feel that they have no alternative. They will feel that if they do not put their name on the register it could cause them serious problems in other ways.

6.15 pm

Dr. Palmer: On a point of clarification, my hon. Friend cited Denmark as an example of a country that was introducing biometric passports without a

compulsory register. I used to live in Denmark, and I know that it has had a compulsory personal register for more than 40 years.

Mr. Gerrard: There is a difference between a personal register and one that contains all our biometrics. My understanding is that Denmark is not going to have a register that contains all the biometric information as well. So the checks that are carried out there will be on a one-to-one basis using the passport. That is certainly the case in a number of other countries.

Lynne Jones: The passport authority already has a database containing all the information submitted when we apply for a passport. However, that is a static database that contains only our name, address and the other details that we submit. It does not have all the potential of the Government's proposed database for audit trails and for tracking where we are going or inquiring about our whereabouts. Neither does the present database have the vast complexity that will render the new one liable to all kinds of problems.

Mr. Gerrard: I thank my hon. Friend for that intervention. We all know that information about us is stored on databases. The question is whether the proposed database is acceptable. Is it something that we want?

Mr. Gummer: I wonder whether the hon. Gentleman has noticed that, in this discussion, we are changing fundamentally the attitude towards passports. The passport is not a privilege offered by the Government to citizens. It is a right of citizens to get the support of their Government when travelling abroad. If the Government insist that we cannot have that right without compulsorily entering into something else, it is the first example of a change in the relationship between Government and subject. This is not an easy thing to bring about; it is a fundamental change to what the passport means. Inside our passports, there is a promise by the Government to do all that they can to enable me or any passport holder who is a British subject to move round the world unhindered. However, it will now become a privilege offered by the Government to such people as will sign up.

Mr. Gerrard: That is a very important point. I referred to it earlier when I mentioned the right to leave and re-enter the country. These proposals do represent a change in the nature of the passport. In fact, they are beginning to change the passport from being a document that facilitates travel and can be used to seek assistance if needed to one that is becoming a sort of identity document.

It is strange that an EU citizen exercising freedom of movement will be able to come in and out of the UK without having their data recorded on the national register, unless they want to remain here for more than three months. As a British citizen, however, I might find myself in the position of not being able to leave the country without having my biometrics recorded in that way.

Mr. Garnier: The position is even more extraordinary than that. As the hon. Gentleman knows, there is a free travel area between the Irish Republic and the United Kingdom. Unless the Irish Republic buys and uses identity card scanners that match ours, the system will break down. So we should have not only the three-month allowance for tourists—or touring terrorists, or anyone else—but a hole on the western flank. The Government simply have not got their head round these issues. It is important for the House to realise that the hon. Gentleman is describing but part of the picture. It gets worse as one explores it further.

Mr. Gerrard: I thank the hon. and learned Gentleman for making that point. The issue of travel to and from Ireland was raised on Second Reading, and it has clearly not been resolved.

My final point—given the limitation on time for this debate, and that I want to allow other Members the chance to speak—is that the Bill is a form of creeping compulsion. It is not genuinely voluntary. That is the key to this amendment: to introduce a system that is, initially, voluntary—exactly as we said that we would do in the election earlier this year.

Mr. Garnier: I am grateful to the hon. Member for Walthamstow (Mr. Gerrard) for the careful way in which he opened this debate. I can assure him that my party, at least, will have listened carefully to all that he said—

Tim Farron (Westmorland and Lonsdale) (LD): Will the Conservatives support it?

Mr. Garnier: I see that the Wolfgang element has emerged. I assure the hon. Gentleman that no Government run by my party would bundle such people out or have them arrested under the terrorist legislation. I look forward to the support of the Liberal Democrats later in this debate, and I assure them that if they need protection, a Conservative Government will protect them from the increasing activities of the police and the state. Many Members might think that the Liberal Democrats are in need of quite a lot of protection. At this stage, however, I want to concentrate on the important issues that the amendments allow us to discuss.

The hon. Member for Walthamstow began his speech by discussing the concept of the designated document. We had that discussion at some little length in Committee, and at no stage were the Government able to tell us precisely what they meant by the category of designated documents that they were going to include. What we discovered, which was instructive, is that the list is open-ended, undefined and designed to allow the Government, through clause 5, slowly but surely to allow a greater category of documents to become designated.

In Committee, the hon. Member for Orkney and Shetland (Mr. Carmichael) and I discussed all the kinds of licences that one can get at a post office, and the Government had absolutely no idea whether those would be designated. We also realised that 20 per cent. of the population have never had, and never will have, a passport, which represents a huge proportion of the

[Mr. Garnier]

British population. In Committee, the Minister of State said:

"We have made no secret of the fact that registration on the database will ultimately be compulsory—we want universal coverage. That means two things: it might be appropriate to designate other documents, and it might be that the designation of such documents means a faster coverage of the entire population."—[*Official Report, Standing Committee D*, 12 July 2005; c. 177.]

At no stage—I am sure that the Minister will confirm this—was he able to produce a list of those documents that he hoped would become designated. Through the Bill, the Government are therefore asking us to give them a blank cheque simply to increase the creeping designation of documents. That is a wholly unhealthy way to design a piece of legislation, and it is even more unhealthy for Parliament to give the Government unseen powers over the citizen and the way in which he or she conducts his or her life. I therefore urge Members to listen carefully to what the hon. Gentleman said.

I will leave the Liberal Democrat spokesman to deal at greater length with amendments Nos. 39, 36, 37 and 38. Clause 5, however, deals with applications relating to entries in the register, and with the powers that the Home Secretary will give himself, which we have not seen in any written form, to compel us as citizens to do what he wants. For example, he will be able to compel us to provide such information as he thinks fit—which is undefined—for the purpose of verifying information that may be entered in the register about an individual in consequence of his having made an application to go on the register. One is given the impression that applying to go on the register is something for which the Government are deeply grateful, and that it is a voluntary activity, but it is not—it is distinctly compulsory and the limits of the Secretary of State's powers are undefined. The Government really ought to have the self-confidence to condescend to let us see the statutory instruments containing the 61 powers that they intend that we should be bound by. That is in parentheses, however.

Under the Bill, individuals may be required to attend a specified place at a particular time in order to register, and to give up information about themselves to go into this huge, great national register—this great bucket of private information that will slosh around between the various Departments and agencies, and to which private companies might even have access for a fee. If we consider the creeping way in which the Bill gives powers to the Government, it might well be that aspects of this data register will be available to certain private companies. As the Government farm out their functions to private companies, and if that is to work properly, those private companies must have access, if not to the whole of the information, at least to sections of it. I urge Members of the House to be very careful before they allow the Government to move down that road.

Let us assume, however, that one lives in the Outer Hebrides, Orkney or Shetland, and there does not happen to be a suitable place to register on those islands, or let us assume that one is in rural Devon, Nottinghamshire, Leicestershire or even Bournemouth—[*Laughter.*] Let us assume that one will be required to travel some considerable distance, at one's own expense, to this gulag, where the Government will have one fingerprinted, photographed and otherwise processed. Why should the citizen be compelled, at the Home Secretary's direction, to travel around the country looking for the place where they must provide all this information? Why should he be compelled to travel to such a place to have his fingerprints and other biometric information taken and recorded, when one bears in mind that these are by and large not exactly secure methods of determining a person's identity?

Let us consider fingerprints. In Leicester, which is the nearest large city to my constituency of Harborough, the Government subjected people to the fingerprint test in a pilot scheme to see whether it would happily provide a sensible biometric system. Of the 772 people who submitted their fingerprints in Leicester, 642, or 83.16 per cent., were identified correctly—the lowest rate of any test centre in the United Kingdom—and there was a failure rate of almost 17 per cent. in matching the individual to the fingerprint. Across the country, approximately 45 million to 48 million people over the age of 16 will be required to add to the convenience of this Government by providing an entry on the register and giving in addition the information found in the schedule. Seventeen per cent. of between 45 million to 48 million people is a very big number, and yet this is the system that the Government are compelling us and our constituents to adhere to. There is not simply a smack on the wrist but a fine—a civil penalty—of up to £2,500 if an individual or one of their family members over the age of 16 fails or refuses to do what is required by the Secretary of State under one of the as yet unseen statutory instruments.

David Howarth: Does the hon. and learned Gentleman agree that one of the most obnoxious aspects of the Bill is the way in which the civil penalty system to which he has referred works? It allows the Secretary of State to impose fines at his discretion, and if one has the cheek to object to his penalty, he has the power under clause 34 to increase the penalty, to deter one, I presume, from applying to him in the first place.

Mr. Garnier: The hon. Gentleman might have noticed the rubber stamp on the front of the Bill—it may not be on the current version—saying that the Secretary of State has declared that this Bill is compliant with the European convention on human rights. I thought that article 6, which says that one is entitled to a fair hearing, was a fairly central part of the European convention. The punitive aspects of clauses 6 and 7, and the clause mentioned by the hon. Gentleman, seem to me to ride straight through the convention and the rubber-stamped certificate introduced by the Home Secretary.

6.30 pm

People will have to travel huge distances to be photographed. The stupidity of that is only underlined by paragraph 2 of schedule 1, which refers to identifying information. It states

"The following may be recorded in an individual's entry in the Register".

"May" means "must", of course. What may be recorded is, for instance,

"a photograph of his head and shoulders".

How many jokers in this country will stand with their backs to the camera? They will not have broken the requirements of paragraph 2: it will be perfectly lawful for people to allow the backs of their heads and shoulders to be photographed for the purposes of the schedule. Members may say that that is a minor and a flippant point, but it highlights the stupidity of this part of the Bill.

It should also be borne in mind that the eyes of some members of the ethnic minorities do not respond to the biometric readers in quite the same way. The same applies to those who have had cataract operations. Why should people of my parents' generation, who now have eye problems such as cataracts and who fought for their country in the 1940s to prevent it from being overrun by a state of this kind, now endure the embarrassment of not being read properly by biometric readers, and possibly be denied access to the health service, local libraries and all the other public services that the Government seem to want to provide?

Mr. Gummer: My hon. and learned Friend pointed out that people would have to travel long distances. I do not know whether he has noticed the huge queues outside the American embassy, consisting of people trying to obtain visas. It is not just a question of travelling; it is a question of the general bureaucratic incompetence of any organisation that seeks to process a large number of people. Given that the United States seems to think it entirely possible to behave in what I consider an outrageous way to British citizens, and given the quality of the Bill, I see no reason to expect the British Government to behave better to their own citizens.

Mr. Garnier: I regret to say that my right hon. Friend is entirely correct. Nothing that I learnt from the Government in Committee—despite the admirable human qualities of the two Ministers who had the misfortune of conducting the Bill—nothing that I learnt on Second Reading, and nothing that I learnt from the Government's utterances during the recess persuaded me to take any view other than that expressed by my right hon. Friend. We are dealing with a Government who are in a total muddle, and have absolutely no idea of the Bill's implications. If they do know, they do not seem to want to care.

The irony is reinforced by the time limit, but that does not apply just to this debate. On 12 July, in Committee—as can be seen in column 405 of the record— the Under-Secretary of State attempted to explain his weary way out of clauses 5, 6 and 7, but was cut off in mid-sentence because the knife imposed by his own Government came down and chopped off his tongue. How can we take seriously legislation that not even the Government gave themselves time to explain? Even they did not give themselves time to respond to the arguments advanced by the Opposition parties. The whole thing would be utterly absurd if it were not so Kafkaesque.

Our amendments, Nos. 13 and 14, seek to delete clauses 6 and 7. I understand the parliamentary arithmetic, and I know that it is highly unlikely that the Bill, if it secures Royal Assent, will be minus those clauses. However, the amendments give us the opportunity to express a view, which I hope is antithetic to the Government's wishes, about the huge powers that the Secretary of State is taking—huge powers wrapped up in statutory instruments that we have yet to see; huge powers to impose what the Minister politely calls "civil penalties". That is a fine in my language and, I suspect, in yours, Mr. Deputy Speaker; and it is a fine in the language of the good men and women of our country who will be the victims, or the recipients, of the Bill.

Adam Afriyie (Windsor) (Con): I visited South Africa recently. I believe that the riots and rebellions there were sparked off partly by the draconian penalties for not carrying or possessing identity cards. I fear that that may be a consequence of measures of this kind in the long term.

Mr. Garnier: I quite agree. The pass system in apartheid South Africa was offensive to all civilised people. It does the Government some credit that the despicable collection of clauses in the Bill does not—at least, yet—include a requirement for you and me, Mr. Deputy Speaker, to carry identity cards. It will, however, become increasingly a matter of practice and a matter of compulsion—if not as a result of legislation, because people will be stopped and searched in the streets, and required to show their identity cards when entering the hospital, the library and, I gather, even the video store. The penalties to which my hon. Friend refers are hugely draconian.

Sir Robert Smith: Given the national database, will we not be walking identity cards once the system becomes compulsory, regardless of whether we carry a piece of paper? Our biometrics can be measured by any machine that we come across, or any machine used by officialdom to test us. People may think that they are not being forced to carry identity cards, but they will be forced to have their identities verified by the state if the system becomes compulsory.

Mr. Garnier: The hon. Gentleman has made a couple of good points, directly and by implication.

The identity card is, in a sense, just a front. It is the human barcode that will allow the authorities—the state, or whoever possesses the readers—to delve into the bucket of information about us that will be established by the Bill. This should more properly be called the national identity register Bill, because that is where the real civil-liberties implications lie. I accept that the Bill does not at present—as far as we can tell—make carrying an identity card compulsory, but I have little doubt that in due course we shall be told—if not by this Minister, by another—that we will find that much more convenient. Of course we cannot tell for certain, because we have not seen the 61 statutory instruments, still less the penal code referred to in clause 36.

I know that many Members want to speak, and that we must stop debating these important amendments at 7.15 pm. Let me say, however, that I am deeply concerned about the fact that we may well be passing into legislation the penal regime in clause 6 that would enable the Secretary of State, or those who work for him, to impose fines of up to £2,500 without our having seen the code of practice. I am also deeply concerned about the fact that under clause 7 the Secretary of State

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is doing his best, but not doing well enough, to give us mechanisms to allow parliamentary oversight over massive but as yet unseen powers.

On Second Reading and, frequently, in Committee, I described the Bill as no more than a Christmas tree on which the Secretary of State would hang, as he saw fit, statutory instruments, powers and so on. It would be, as someone else observed, the victim of creeping conduct by the Government. I urge all Members with any understanding of what the Government are capable of doing to resist the Bill. I accept that it contains some measures that are not as damaging to the citizen, but for the moment the Government have failed to discharge the burden of proof. I urge Members to bear in mind what was said by the hon. Member for Walthamstow, and I trust that the mood of the House will permit his amendment and others to be passed.

Mr. Andrew Love (Edmonton) (Lab/Co-op): What is the mood of Her Majesty's loyal Opposition toward amendment No. 5?

Mr. Garnier: We shall support it.

I hope that others will deal with this Bill as vigorously as the hon. Member for Walthamstow has.

Tim Farron: I will be brief. The Government have sought to curtail this debate and I do not want to aid or abet them. The hon. Member for Walthamstow (Mr. Gerrard) pointed out the serious concerns that exist about the effective compulsion in which the introduction of the identity card system and the attendant database will result. Given that possession of an ID card is linked so closely to entitlement to basic services such as housing, health, use of libraries and education, we are indeed, in effect, talking about compulsion.

The distance that people live from registration centres—one of the issues with which our amendments deal—is crucial to take-up of the ID card and, therefore, to entitlement to those basic services. The hon. and learned Member for Harborough (Mr. Garnier) referred to the various rural areas in which distance from a registration centre will be crucial to take-up. *[Interruption.]* He could indeed have mentioned rural and isolated areas such as those in Bournemouth and Cambridge, along with those in my own constituency. I would not myself wish to opt for take-up at the so-called voluntary stage, given that the Government are effectively making possession of an ID card compulsory by linking access to basic services—

Dr. Blackman-Woods: Does the hon. Gentleman not accept that the Government have given a commitment to establishing a number of centres throughout the country—perhaps 70—to ensure that people do not have to travel too far?

Tim Farron: I am grateful to the hon. Lady for her observation, but she might want to consider that 70 is a very small number, given the large rural areas that exist in this country. If we divide the population coverage by that number of centres, it is clear that accessing them will be very difficult. Such a number certainly does not meet the requirements that are met by the 20-mile distance limit that we are seeking to include in the Bill.

Mr. Alan Reid (Argyll and Bute) (LD): Of course, it is a question not only of distance but of the ability to get to a registration centre. The islanders of Colonsay have only three boats a week to the mainland, and if there are to be only 70 registration centres, it will take them at least three days to get to a centre and back again. If the date specified by the Secretary of State happens to fall on a Friday, they will have to leave home on a Wednesday and will get back the following Monday. That is ridiculous. The registration facilities must go to the people, not the other way round. Such facilities must go to the islands.

Tim Farron: I am extremely grateful to my hon. Friend for raising that point, which highlights one of the many other ways in which the £5 billion that will be spent on the ID card system could be better spent. There are great problems with the public transport services in rural areas such as mine. They are much more expensive, and much less available and convenient, than they should be, so access to registration centres will be rendered even more difficult.

Our desire to limit the distance between the individual and the registration centre highlights a general problem throughout the country, even in urban areas: lack of take-up of the ID card and, therefore, of the services to which people are entitled.

Adam Afriyie: For the many elderly and disabled people on means-tested benefits, registering for the ID card will be almost compulsory. Does the hon. Gentleman feel comfortable with the idea of living in a society in which we wheel out the elderly, infirm and disabled to Government processing centres to have their retinas scanned and their fingerprints taken?

6.45 pm

Tim Farron: I am grateful to the hon. Gentleman for making that point. I feel in no way comfortable with the idea of living in such a society. He has moved us on to the important issue of people becoming excluded from basic services not because they live in rural or isolated areas, but for other reasons. The hon. and learned Member for Harborough referred earlier to the 20 per cent. of people who will never have a passport. Perhaps even more worrying and illuminating is the significant proportion of people who are not, and are never likely to be, on any electoral roll, and who effectively duck out of society. Some may say that they should not exclude themselves in that way, but we are talking about a group of people consisting predominantly of Travellers, young people, elderly people living in isolated rural areas, and people with mental health difficulties. They will exclude themselves from registration and will, therefore, effectively become non-persons. That should worry us all.

Amendments Nos. 36 and 37 seek to remove the requirement to submit to the gathering of biometric data, which we object to on the ground of efficacy. We simply do not believe that such a provision will work. The Government are surely aware of evidence showing

that where registration and the checking and gathering of data is automated, people can, for example, use false contact lenses to give an erroneous retinal scan. The Government will say that they can get round that problem by carrying out individual checks of everybody who comes forward for examination. However, such an incredibly labour-intensive exercise would vastly increase the Bill's associated costs, beyond even the estimates of independent assessors who have published data on this subject.

I also object to the provision because it allows the Government to overplay the reliability of this scheme. A perverse consequence of such overplaying is that it will play into the hands of the criminal. It will increase the currency and likelihood of fraud, create incentives for committing fraud and increase the premium on counterfeiting. My fundamental objection to the provision, however, is that it is illiberal, because I am one of those who take the view that something that is illiberal is intrinsically bad.

Were you to visit the National Liberal Club, Mr. Deputy Speaker, you would see memorials to the great Liberal heroes of yesteryear, such as Gladstone and Lloyd George. You would also be interested to see a plaque commemorating one Clarence Harry Willcock, who was a Liberal party member in 1950—an act of heroism in its own right. He is famous because it was he who precipitated the abolition of the previous ID card scheme. In 1952, Winston Churchill abolished that scheme largely because of a case brought against Mr. Willcock. He was asked by a member of the constabulary to show his ID card and despite possessing it, he refused to do so because, he said, "I am a Liberal and I am against this sort of thing." Absolutely right. *[Interruption.]* I am a Liberal and I am against this sort of thing. I suppose that the Conservatives might say, "We are Conservatives and we are in favour of this sort of thing, but we've checked the opinion polls and so we're voting with the Liberal Democrats." However, I digress.

Fundamentally, we oppose this provision because as we all know, Members of this House cannot and should not bind their successors. In passing the Bill and allowing this provision to remain unamended, we are providing the apparatus for authoritarianism. I ask Labour Members to imagine that in response to the IRA threat of the 1970s, the previous Labour Government successfully introduced this Bill—that James Callaghan stood before the House and carried it through. Would Labour Members consider the possibility of what might have happened after 1979 if this sort of legislation fell into the hands of Margaret Thatcher? What might the unintended consequences have been? Many of you were involved in anti-nuclear protests and industrial relations disputes of the 1980s, particularly the miners' strike. Would you like to suppose for one nightmarish moment what this Bill in their hands would have meant for you?

Mr. David Winnick (Walsall, North) (Lab): I would not disagree with the hon. Gentleman, but I want to comment on his point about heroes. Does he consider that the great Liberal heroes, Asquith and Lloyd George, were right to refuse to grant the vote to women for years on end? Women only achieved the vote in 1918.

Tim Farron: I thank the hon. Gentleman for his contribution and I will check the history later with my hon. Friend the Member for Cambridge (David Howarth). What I can tell you is that this House cannot bind its successors—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman persists in using the term "you", but he must use the correct parliamentary language when addressing fellow Members.

Tim Farron: My sincere apologies, Mr. Deputy Speaker.

The hon. Member for Walsall, North (Mr. Winnick) is right to make that point, but just as the House cannot bind its successors, neither can the Liberals of yesteryear. All I am asking is for Labour Members to be true to themselves and say, "We are Labour and we are against this sort of measure".

Mr. Marshall-Andrews: I should like to spend a short time discussing the important amendment No. 5, which deals with the central vice and evil of the Bill—compulsion. There is no point debating the Bill without debating the issue of compulsion. It is in the Bill: it can be made law by secondary legislation and it can be introduced into law by various crafty devices that are already set out in the provisions. The British people have no idea what they will be required to do under the Bill if it becomes law. If they did, there would be no question of any opinion poll saying anything other than that they were totally, or nearly totally, against it. In the short time available, I want to put into historical context the issues raised by both Front-Bench spokesmen.

Not since the Domesday book in 1068 have we seen anything like it. That was a system of registration put into effect by the Normans—or the new Normans, as I suspect they were known at the time. Not since then have the British people been required to attend, with their families, at a certain place at a certain time in order to have their heads measured and the colours of their eyes taken. To be fair, under the present Bill, people will not have to declare the number of livestock that they possess or the items of clothing that they wear. However, we should not get too excited, because under the terms of the secondary legislation, people could be forced to give any other information that the Secretary of State prescribes.

I have to say, Mr. Deputy Speaker, that there are many people in my constituency who simply will not do this. They will not do it—full stop. Some may do it and there are doubtless some that conform to the model citizen that new Labour imagines in the south-east of England. However, a very large number—I can see them in my mind's eye as I speak—find it difficult enough to go 100 yd down the street to exercise their right to vote and they simply will not comply with the Bill under any circumstances. Social stress will be the result.

I can picture one of my constituents talking to me in my surgery, saying, "I have to go to Maidstone to have my head measured". I will reply, "Yes, you have" and he will say, "And she has to have her head measured as well". I will say, "Yes, indeed". Pointing to his adolescent offspring, he will say, "They have to have their heads measured as well" and I will confirm that

[Mr. Marshall-Andrews]

that is absolutely right. He will then say, "Why did you vote for this Bill?" I will then experience the glory of being able to say that I did not vote for it and that I voted against it at every conceivable opportunity. My constituent will want to know what will happen if they all refuse to have their heads measured. I will tell him that he will not be able to go to the public library, which will not upset him very much, but there will be other things that he will be unable to do.

Mr. Love: I am following my hon. and learned Friend's argument closely. Does he agree that the most insidious aspect of what he is discussing is that someone will have to decide whether to fine or even imprison that person? That will be the acid test, but does he agree that that is a test too far for a Labour Government?

Mr. Marshall-Andrews: Yes, indeed. I am most grateful to my hon. Friend, as I was going to become a little more serious and make precisely that point. I would have to tell my constituent that he could be fined or sent to prison, at which point I would be looked at with complete disbelief—that in the 21st century we have passed a law that requires our citizens to comply on pain of fine or imprisonment. I would also point out that this is not even the worst part of the Bill, but an exemplification of what lies behind it. I would have to point out that when they have had their heads measured and their eyes photographed, they will then form part of a massive registration process, to which they have no access or control. I will explain that that was why I voted against the Bill.

Martin Salter (Reading, West) (Lab): I always enjoy hearing my hon. and learned Friend's oratory, but to develop his theme of explaining his glorious vote against the Bill to his constituents, did he make it clear to them at the election—I have seen some of his election publicity and it was very good—that, although he was standing on the Labour party manifesto, which included a pledge to introduce this Bill, he was personally opposed to it and would vote against it?

Mr. Marshall-Andrews: I am pleased to answer that question. The answer is yes, I did. Neither was it the only part of the Labour manifesto that I told my constituents I was not standing on—*[Interruption.]* I had pared it down quite thin by the end of the campaign. What I will be able to say to my constituents—it may mean that I will get re-elected, despite the fact that I will be standing on a Labour ticket—is that I voted against what I considered to be the most illiberal piece of legislation that the House has been asked to pass for half a century and quite possibly—pace the Bill on terrorism—into the foreseeable future. I strongly urge hon. Members to join me in the Lobby tonight in order to bring to an end this attempt to visit such illiberalism on our people.

Mr. Shepherd: The House owes a debt of gratitude to the mover of amendment No. 5. The whole issue is about liberty. It is about our liberty and the liberty of those we represent. The Bill makes it quite clear that, at the designation of the Secretary of State, an application for something that we have taken for granted all our lives—the right to apply for a passport, to access our national health service or whatever comes to the Secretary of State's mind—will be dependent on showing our subservience to the state. In providing the state with one coherent datum on our whole identity, we are giving it the power to follow us wherever we go. That is what the Bill is about and why it constitutes a deep and savage attack on what this country has stood and fought for across the centuries.

We did not acquire our liberty lightly. Our liberty is not just a thousand years old. It was through the work and struggle of people across this nation that the long march of everyman secured for us our relationship to the state. It is our state, but the Bill and its clauses say otherwise. The Bill says no. The Bill says otherwise: that the state will measure, identify and control all our citizens for purposes that are lost in the Bill, but which can be designated by the Secretary of State by orders in what is essentially a dreadful enabling Bill.

7 pm

This is about liberty. A.C. Grayling wrote a pamphlet for Liberty and reminded us of four lines from Kipling, which come via a powerful essay once read by E.M. Forster against the Sedition Act. It says

"He shall mark our goings, question whence we came,
Set his guards about us, as in Freedom's name
He shall peep and mutter; and the night shall bring
Watchers 'neath our window, lest we mock the King."

That is what the Government have sought throughout their history. We have had more benighted legislation to measure, to circumscribe and to deny freedom without justification, other than "it may" or "it possibly could." The Bill is a monument to the incapacity of the Government to make our existing laws and services work and, to that extent, it is flummery, but it is flummery that strikes deep into the English, the Scots, the Welsh and the Irish—all the people who make up this nation's sense of liberty.

Martin Linton (Battersea) (Lab): We have heard a lot of rhetoric tonight and we can congratulate my hon. Friend the Member for Walthamstow (Mr. Gerrard). His amendment would change only one word, but it is the crucial word of the Bill. I happen to take the opposite view to his, but I recognise that this is the central part of the Bill.

Let me take my hon. Friend the Member for Walthamstow back to the beginning of the process. We have had several White Papers, the first of which, issued by the Home Office, distinguished between different possible schemes: a voluntary scheme; a scheme called at that stage a universal scheme, under which the card would have to be held by everybody; and a compulsory scheme, under which everyone would have to carry the card. From the start, the last option was excluded and the Government looked at either a voluntary scheme or a universal scheme, which we would now call compulsory: compulsory to have and not to carry.

One of the crucial arguments came from the opponents of ID cards, who said that any such scheme would have to become compulsory, or it would be useless. There was no point in discussing the subject on

the basis of a voluntary scheme, which would not work and would not fulfil the most fundamental objectives. In the response to the White Paper, it was recognised by both sides that there was no point in proceeding with an ID scheme if it were to be purely voluntary.

That emphasises something that my hon. Friend the Member for Walthamstow must know, as he and his colleagues advanced the argument at that stage. If the amendment were passed, it would be a wrecking amendment and would cut out the heart of the Bill. Anyone with an open mind who is listening to what my hon. Friend says about the amendment must bear in mind the fact that the purpose of the amendment is to disable the entire Bill and to make it of no value.

At the end of the day, we must look at the fundamental point of the Bill—that we should have a list of names of all the people in this country. We already have many lists of names: a national insurance list of about 40 million names; the Inland Revenue list containing a similar number; the Passport Agency list of 38 million people; and the council tax registers, which contain a similar number. The electoral register contains 40 million people's names. The only difference between the national identity register and all these lists is that the national identity list will be correct.

For example, the national insurance register has 75 million names on it, so clearly it cannot be correct. We cannot be sure that all the other lists are correct. The advantage of the national identity register is that we would use modern technology to ensure that the list that we have of people in this country is correct. Biometric technology will enable us to do that for the first time in our history.

Adam Afriyie: It seems to me that it will be compulsory to carry the ID card. If an ID card is based on biometrics—retinal scans and fingerprints—one constantly carries those and therefore one will be carrying an ID card. Does the hon. Gentleman agree?

Martin Linton: The point is not whether we have separate cards, but whether we have the register, which will contain simply the details of name, address and date of birth, as all other registers try to do. But the register would be foolproof, to a far greater extent, against fraud and falsehood.

Several hon. Members *rose—*

Martin Linton: As I have come to the crucial point, many people want me to give way. However, there are many others who want to get into the debate and I would rather defer to them.

The crucial part is that we have heard a lot of rhetoric. We have heard mention of South Africa and Nazi Germany and the word Kafkaesque, but none of those points is relevant.

Mr. Garnier: The hon. Gentleman is misleading himself, perhaps because he has not got as far as page 40 of the Bill. Will he please look at schedule 1, where he will see eight paragraphs specifying the information that will be on the register? It is not just the four pieces of information that he mentioned.

Martin Linton: It is actually 56, but it boils down to identity information.

Several hon. Members *rose—*

Martin Linton: I will not give way again, because others want to get into the debate.

Opponents of the Bill should have the honesty to accept that the fundamental point is that we will have an accurate register that will be of enormous assistance to us as individuals, as well as to the Government. We have heard a lot of rhetoric, but people should accept that this is the absolutely crucial part of the Bill.

Mr. McNulty: We need to start with those matters on which we all apparently agree, certainly in terms of official party positions. As I understand it—although one would not have thought it, given some of the contributions—all parties agree on biometric passports. That is on the record. One cannot have biometric passports without the infrastructure we are talking about bringing in by 2008. We simply cannot organise biometric—*[Interruption.]* Infrastructure was the word. The hon. Member for Cambridge (David Howarth) should calm down and listen. He may have been excited by the fourth-form contribution of his hon. Friend the Member for Westmorland and Lonsdale (Tim Farron); I certainly was not.

By infrastructure, I mean contact centres and how we capture biometrics. Everyone should agree as a starting point that that is necessary for the biometric passports on which we all agree. The argument is not about how many centres there should be; 70 may be enough with mobile facilities, but it may not be enough. That is a matter of detail that, of course, needs discussion in terms of the roll-out of biometric passports, which will happen whatever happens to the Bill tonight. That is a position with which every party in the Chamber agrees.

The argument, put quite fairly by my hon. Friend the Member for Walthamstow (Mr. Gerrard), is about the link beyond that to ID cards. My hon. Friend makes a perfectly fair argument, one made in Committee and before. I am not going to say that this is a wrecking amendment, because such an amendment would not be selected for debate, as it would not be in order. However, unpicking the ID card from the passport would drive a coach and horses, to coin a phrase, through the entire structure of the system that we aim to produce. I freely accept that that may be what my hon. Friend the Member for Walthamstow is seeking to do, but we must not run away with the notion that we will not have biometrics if this Bill fails. The question of whether 70 contact centres will be sufficient to do the necessary biometric work will not go away, as all parties agree with biometric passports.

All the Government are saying is that the process should be phased in, rather than introduced according to the big bang model. Here is another little secret: I am not over-enamoured of the success achieved by huge Government IT procurement projects introduced on the big bang model. I place it on record that, in the recent

[Mr. McNulty]

past and under both parties, the litany of failure is far too replete. The responsibility is not specific to one party, and that is why it would be foolish to introduce this process according to the big bang model.

We are not saying that we can go from what we have now to a database covering 60-odd million people overnight, hoping and praying that the IT and the procurement will work and that everything will be successful. We have learned the lessons of the past, and this project has to be rolled out on a phased basis.

My hon. Friend the Member for Walthamstow and I disagree, but my contention is that the two processes involved—in securing the biometric passport from 2008, and in registering people on the database and securing the ID card—are virtually the same. Given the facility and proximity of those two processes, it would not be fair to ask people to submit information in respect of passports and then do the same thing again some way down the line.

Julia Goldsworthy (Falmouth and Camborne) (LD): On that point, will the Minister publish the gateway reviews that have been undertaken in respect of the IT procurement for this project?

Mr. McNulty: My right hon. Friend the Member for Southampton, Itchen (Mr. Denham), who is Chairman of the Home Affairs Select Committee, is not in the Chamber at present, but he has asked a similar question. I told him that we shall provide that gateway information, to the extent that we are able. Even the most cynical of hon. Members will accept that there might be degrees of confidentiality in the process—

Julia Goldsworthy *indicated dissent.*

Mr. McNulty: The hon. Lady shakes her head, but she is wrong to do so. I gave the Chair of the Select Committee that undertaking, and I give it again.

Lynne Jones: Given what happened with the Child Support Agency or the tax credit systems, have not the Government learned the problems that arise when a database constantly changes? The databases that work successfully are fairly static, and other countries are not establishing the same huge database as is proposed here. They can have biometric passports and identity cards that conform to international standards, but without that huge database.

Mr. McNulty: I certainly accept what my hon. Friend says about static as opposed to ever changing databases. She makes an entirely fair point. My hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) offered a lot of comedy about the Domesday book, but it is not a fair interpretation of the Bill to say that the Secretary of State can change anything in the database that he likes, and insert whatever he wants to. That is not the case. We want people to be able to access secure websites, by means of their PIN number, so that they can adjust and change data on the register.

Mr. Marshall-Andrews: Given what he has just said, will the Minister tell me what the following passage means? Clause 5(5)(d) states that an individual may be required

"otherwise to provide such information as may be required by the Secretary of State."

Mr. McNulty: My hon. and learned Friend the Member for Medway does not mention the three other paragraphs of clause 5(5), which set out the belt and braces details of what may be required of an individual before subsection (5)(d) is activated. I also refer him to schedule 1, which lists all the items that may be recorded in an individual's entry in the register, and to the statutory purposes of the legislation as set out in clause 1. The Bill states, in terms, that the imposition of anything outside those stipulations would require my right hon. Friend the Secretary of State to return to the House for approval, so the situation is not quite as my hon. and learned Friend suggests.

Finally, it is entirely wrong—

It being quarter past Seven o'clock, MR. DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

The House divided: Ayes 278, Noes 310.

Division No. 58] **[7.15 pm**

AYES

Afriyie, Adam	Clegg, Mr. Nick
Ainsworth, Mr. Peter	Clifton-Brown, Mr. Geoffrey
Alexander, Danny	Conway, Derek
Amess, Mr. David	Cormack, Sir Patrick
Ancram, rh Mr. Michael	Cox, Mr. Geoffrey
Arbuthnot, rh Mr. James	Crabb, Mr. Stephen
Atkinson, Mr. Peter	Curry, rh Mr. David
Bacon, Mr. Richard	Davey, Mr. Edward
Baker, Norman	Davies, Philip
Barker, Gregory	Davis, rh David *(Haltemprice and Howden)*
Baron, Mr. John	
Barrett, John	Djanogly, Mr. Jonathan
Beith, rh Mr. Alan	Dodds, Mr. Nigel
Bellingham, Mr. Henry	Donaldson, Mr. Jeffrey M.
Benyon, Mr. Richard	Dorrell, rh Mr. Stephen
Beresford, Sir Paul	Dorries, Mrs. Nadine
Binley, Mr. Brian	Duddridge, James
Blunt, Mr. Crispin	Duncan, Mr. Alan
Bone, Mr. Peter	Duncan Smith, rh Mr. Iain
Boswell, Mr. Tim	Dunne, Mr. Philip
Bottomley, Peter	Durkan, Mark
Brady, Mr. Graham	Elwood, Mr. Tobias
Brake, Tom	Evans, Mr. Nigel
Brazier, Mr. Julian	Evennett, Mr. David
Breed, Mr. Colin	Fabricant, Michael
Brokenshire, James	Fallon, Mr. Michael
Brooks, Annette	Farron, Tim
Browne, Mr. Jeremy	Featherstone, Lynne
Browning, Angela	Field, Mr. Mark
Bruce, Malcolm	Fisher, Mark
Burns, Mr. Simon	Flynn, Paul
Burrowes, Mr. David	Forth, rh Mr. Eric
Burstow, Mr. Paul	Foster, Mr. Don
Burt, Lorely	Fox, Dr. Liam
Butterfill, Sir John	Francois, Mr. Mark
Cable, Dr. Vincent	Fraser, Mr. Christopher
Cameron, Mr. David	Galloway, Mr. George
Campbell, rh Sir Menzies	Garnier, Mr. Edward
Carmichael, Mr. Alistair	Gauke, Mr. David
Carswell, Mr. Douglas	George, Andrew
Cash, Mr. William	Gerrard, Mr. Neil
Caton, Mr. Martin	Gibb, Mr. Nick
Chope, Mr. Christopher	Gibson, Dr. Ian
Clapham, Mr. Michael	Gidley, Sandra
Clappison, Mr. James	Gillan, Mrs. Cheryl
Clark, Greg	Goldsworthy, Julia
Clark, Ms Katy	Goodwill, Mr. Robert

Gove, Michael
Gray, Mr. James
Greyling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kaetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Roeindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Skinner, Mr. Dennis
Smith, John
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waring, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Kelvin Hopkins and
David Taylor

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allan, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel

Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Nayamith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Vernon Coaker

Question accordingly negatived.

It being after quarter past Seven o'clock, MR. DEPUTY SPEAKER *then proceeded to put forthwith the Question to be disposed of at that hour.*

Clause 8

ISSUE ETC. OF ID CARDS

Amendment made: No. 2, in page 7, line 11 [Clause 8], leave out 'one or'.—*[Mr. Heppell.]*

Patrick Mercer: I beg to move amendment No. 1, in clause 8, page 7, line 20, after 'individual', insert—

'(aa) must be free of charge;'.

Mr. Deputy Speaker: With this it will be convenient to discuss amendment No. 19, in clause 37, page 31, line 26, leave out paragraph (c).

7.30 pm

Patrick Mercer: This simple amendment provides that an identity card issued to an individual must be free of charge. Ministers will not be surprised by the amendment, because we have already debated the point in Committee and will no doubt talk further about it tonight. The cost of the card is one of the most crucial elements of our debate. If we believe that the card is right and will, in due course, have to be possessed, if not carried, by everybody in the country, how on earth can we make the sort of charges for it that we have heard about in the past few months?

The identity card will come in a package with the passport. I shall come to the combined cost of the card and passport in a moment, but we have heard already that some 20 per cent. of the population never need to have a passport. How much does the Minister propose to charge those who do not want passports, only cards? It is the nation's job to support its citizens' travel abroad, but why should a fee be charged for ID cards?

The possible costs cited vary. "The Identity Project" states:

"The Government originally asserted that the cost of the passport/ID card package, that is valid for 10 years, would be £85, but six months later this increased to £93."

In Committee, the Minister was chary of allocating a cost to the card. He skirted around questions about how much the card alone would be and whether it would be possible to issue a card without a passport. He gave us the tantalising figure for the cost of the passport of some £63. By a simple process of subtraction, the card would therefore cost about £30, but the Minister was hesitant about agreeing to that sum. However, now we hear from the Government that the figure is about right. I would be grateful if the Minister explained why he was so reluctant to talk about the cost of the card alone.

The costs of the card alone will not be confined to compiling the register and then issuing the cards, with all the associated equipment necessary. Some reference has already been made to the article in *The Scotsman*, which claims that ID cards will lead to massive fraud. It states:

"Jerry Fishenden, the national technology officer for Microsoft, says the proposal to place 'biometrics'—or personal identifiers such as fingerprints—on a central database could perpetuate the 'very problem the system was intended to prevent'. He says Ministers 'should not be building systems that allow hackers to mine information so easily'."

As we asked about an earlier amendment, if rubbish is put in, what rubbish will come out? If the scheme will be wide open to fraud, as the article suggests, how will we offset the costs? Will a margin be included in the charge for ID cards and passports?

Dr. Palmer: The hon. Gentleman is sliding back and forth between the issues of cost and charge. The amendment relates to the charge the user will pay for the card to be issued. It is reasonable also to discuss the cost to the country, but that is not the subject of the amendment.

Patrick Mercer: As always, I am grateful to my fellow Nottinghamshire Member of Parliament for his observations. If he will allow me to develop my argument, I am sure that he will receive full satisfaction—*[Interruption.]* Yes, for less than £30, I expect.

I would be interested in the Minister's view on how fraud will be offset in the charge for issuing cards. "The Identity Project" goes on at length about the cost projections for the card—what it will cost individuals, and what it will cost the nation. It talks of the costs of issuing cards over a 10-year period, based on passport service figures; of card readers for the public sector, as envisaged in the Bill; of the national identity register; of the total cost of the national identity register infrastructure; of managing the national identity system; and of specific other staff costs over a 10-year period. The lowest estimate in the report is more than £10 billion. I shall not exacerbate the situation by mentioning the higher costs, because they are difficult to quantify, but £10 billion is already a massive sum. How can the Minister expect the nation, and the individual, to foot the cost for the register and the card?

Mr. Mark Oaten (Winchester) (LD): The hon. Gentleman is talking about future, projected costs, but I wonder how much the Government have already spent on this project.

Patrick Mercer: As usual, the hon. Gentleman makes a useful and helpful intervention. Perhaps the Minister would be kind enough to outline exactly how much this scheme has already cost us, even before it has been approved by Parliament. How much of the national treasure has been invested in something that will—I hope—lead nowhere?

What will be the cost to the individual? If the Minister tells us that the package comes to just under £100, will everyone have to pay that? Are those who are on benefits likely to be asked for the same sum? If so, where will that money come from? How will they pay? Is it more likely, as I suspect, that those who are better off will end up being asked to subsidise those who cannot afford either passport or card? I should be very grateful to the Minister if he made it clear to me how that lies.

I appreciate the point made by the hon. Member for Broxtowe (Dr. Palmer), but I cannot close on the amendment without mentioning opportunity cost. In my view, even I were persuaded of the need for both a register and an identity card, I would question very carefully whether we are putting those massive sums—most modestly assessed at £10 billion and probably much more—into the correct place if we want to stop the sort of ills that we have heard about, not least of which is terrorism, a subject in which I clearly have a great interest. Is the money being spent in the most efficacious fashion? Is it likely that a register and a card will have the effect that we hope to achieve? I suggest that the opportunity cost of the register and the card is absolutely out of proportion to the perceived benefits that either or both might deliver.

Mr. David Drew (Stroud) (Lab/Co-op): The hon. Gentleman will not be surprised to hear that I am very keen to know what the amendment would cost. He suggests that the Government will charge £30, but has he calculated what the cost would be if the card were given free to whoever wanted it? What does he imagine the overall cost would be?

Patrick Mercer: I am sure that the hon. Gentleman will not surprised if I say that I have done no such calculation. As far as I am concerned, the scheme is not a starter. I have moved the amendment simply to challenge the Government and to make them explain how they can request such sums. I believe that if these cards are issued—if we ever get to that dreadful and parlous state—they should be free to those who will be forced, first, to hide them in the bottom drawer of their wardrobes and, in due course, to carry them.

Mr. John Denham (Southampton, Itchen) (Lab): I have not spoken in the debates so far today, and this seems the most appropriate debate in which to make a few comments about the costs of the scheme and its procurement because those factors directly

[Mr. John Denham]

reflect the issue raised by the hon. Member for Newark (Patrick Mercer). I strongly support ID cards—my Select Committee produced a report on them a year ago—but believe that costs must be contained as much as possible and that we must procure effectively.

On the issue discussed in the amendment, the Government's approach is okay. In practice, despite the blood-curdling rhetoric of an earlier debate in which reference was made to the prospect of people being frog-marched 80 miles to have their heads measured and then charged 100 quid for the privilege, a certain amount of sheer politics rather determines that that is not likely to take place. So making provision for a charge is reasonable, but it is important that the overall cost of the scheme is contained. I have concerns about some elements of the approach that the Government are taking to the procurement of the scheme. Those issues were raised by the Home Affairs Committee well over a year ago, and I must tell my hon. Friend the Minister that progress has been a little disappointing until now. I should like to reinforce a few of those points.

First, there are some elements in the design of the scheme that I suspect will not turn out to be cost-effective. Some of those elements were referred to earlier. In particular, the cost benefit of including addresses in the scheme may well turn out not to be that good. It is an irony that one of the advantages of moving to a biometric national identity register is that someone's address becomes a less important part of their identity than in the current system, where their address is an important statement about who they are and how to prove who they are. The ability to strip out of the system the cost of constant re-registration in cities such as mine where 25 per cent. of the population move every year would be of enormous benefit. The Minister will need to return to that issue in practice. That does not necessarily affect the detail of the legislation, but it is an important issue.

7.45 pm

The second issue relates to procurement. Biometrics were discussed earlier this evening. One of the recommendations made by the Home Affairs Committee more than a year ago was that Sir David King, the chief scientific officer, should be invited to oversee and judge the preparedness of biometrics. I was pleased that that recommendation was accepted by the Government a year ago. However, a year later, the committee that Sir David was to be invited to lead has not yet met. Some of the problems that the Government are having with the debate about systems—those that suggest that wrinkled, bald-headed men have their faces on upside down and all the other issues that we have heard about today—would be put on one side if we had the simple assurance that the chief scientific officer was going to do what the Select Committee recommended a year ago and give the green light, or the red light, to the preparedness of the technology. That would be an enormously important step. The Government agreed to it in principle more than a year ago, but no action has yet been taken. That is a shame.

Mr. Garnier: The right hon. Gentleman may be further concerned to hear that, before we broke for the recess in July, I tabled 10 or 12 written parliamentary questions to a number of Departments of State to find out what steps they had taken to prepare for the national register and the identity card system. Not one of them, not even the Home Office, was able to say that it had done anything meaningful to prepare for the scheme. The Treasury, the Department of Health, the Department for Work and Pensions, the Ministry of Defence, the Northern Ireland Office—none of them had done anything sensible to meet the right hon. Gentleman's Committee's concerns.

Mr. Denham: That is an interesting point. Although the Select Committee supported the ID card scheme, one of its recommendations was that it felt to us a year and a half ago as though this was a Home Office scheme that the rest of Government was watching—those were not our exact words, but that was the sense of them—rather than a cross-Government scheme to which the whole of the Government were committed. I fear that what the hon. and learned Gentleman recounts rather supports that view. Those are not reasons to vote against the Bill—we need the scheme—but it is right to put down warnings that, unless those issues are addressed, the scheme may well not be successful.

Mr. Mark Todd (South Derbyshire) (Lab): Does my right hon. Friend agree that a cultural barrier lies in front of the scheme, to which he has just alluded? All Departments must be involved in delivering savings and process changes to make the collection of national identities work for them. Yet they must also step back in the management of the project and allow someone to deliver it without their direct control. That presents a management conundrum, which I admit, as someone who has had to manage projects, would be scary in the extreme.

Mr. Deputy Speaker: Order. Before the right hon. Gentleman responds to that intervention, I remind him and the House that these amendments relate to what the public must pay for the cards. The cost of producing them is therefore irrelevant, so a wide-ranging debate on that aspect is not acceptable. The debate is specifically about what people must pay for the cards.

Mr. Denham: I am grateful to you, Mr. Deputy Speaker, for your advice and tolerance up to this point. However, the point I wish to make about procurement is now directly related to the cost of the overall scheme and therefore the cost that the public are likely to have to bear, be it for a free-standing card or for a passport-plus in the form that 80 per cent. or so of the population will have.

There seems to be a lack of willingness in the Home Office at the moment to adopt what is generally called an open process to procurement. That does not involve openness about whether we are advertising according to the normal European procurement processes and so on. There are essentially two approaches to procurement that will have a big effect on the design and cost of the scheme. The first is one where, having defined the broad outcomes and objectives of the scheme, the Government tender for one or more suppliers to provide a black

box—computer software or a certain type of card—that will deliver what they want. The second approach is one where all the major issues about the design of the software, the structure of the identity register, the choice of card and the choice of different types of chip on the card are made publicly available and there is the widest technical and scientific scrutiny.

Traditional Government procurement has taken the view that the savings in cost achieved by the black-box type of procurement outweigh the advantages of a wider scrutiny of the proposals. Having looked at procurement around the world, the Select Committee came to the opposite view: the most open technical procurement, with the best scrutiny, was most likely to deliver systems that worked at the lowest possible cost.

Lynne Jones: Does my right hon. Friend agree that the Government should not go ahead with procuring the system without having conducted, or having had conducted, an independent large-scale study to ensure that the necessary error rates can be achieved on a population of 60 million people?

Mr. Denham *rose—*

Mr. Deputy Speaker: Order. That is off-beam again. The right hon. Gentleman must address his remarks to the amendments before the House and that intervention was not in order.

Mr. Denham: I shall not answer the question, Mr. Deputy Speaker, although I was tempted to do so.

Mr. Love *rose—*

Mr. Denham: I shall give way to my hon. Friend, but if he could help me to remain in order I should be grateful.

Mr. Love: The Government have commissioned a study by KPMG, which looks at the risks to the system and, I understand, includes costs. However, they have said that due to commercial confidentiality they can release only part of that information. Is my right hon. Friend, like me, somewhat concerned about that, and is not it important that we be as open as possible about the system if we are to achieve the ends that he wants?

Mr. Denham: I have much sympathy for what my hon. Friend says. It seems to me that we are locking commercial confidentiality into the procurement process far too early, when many of the major technical design issues have not been solved. The likelihood, therefore, is that we shall end up paying more than we need to for the final product because we have not had appropriate scrutiny of what is being purchased. That, I can reassure you, Mr. Deputy Speaker, will impact directly on the cost that the public may have to pay for the card.

Mr. Carmichael: It is a pleasure to follow the right hon. Member for Southampton, Itchen (Mr. Denham). He may have pushed the boundaries of what was in order, but he made a highly significant contribution, bringing as he did an almost unique insight into Home Office procurement processes. That is indicative of the sort of debate that we need in the House in relation to identity cards, but are unfortunately denied due to the nature of the Bill, which, as has already been observed, is an enabling measure.

The right hon. Gentleman prefaced his remarks by saying that he was a supporter of identity cards. I wonder what someone reading his contribution would think that the opponents were saying if that was a Government supporter's analysis of the case. If there was a flaw in his argument, it was that his message seemed to be that we should identify all the difficulties but pass the Bill anyway. That is entirely the wrong way of going about things. The right hon. Gentleman is inviting us to give a blank cheque, which will ultimately be substantial, for something whose efficacy is by no means guaranteed.

I want to say a few words about the amendments. This is one of the occasions when I feel that I may have fallen through the looking-glass. I find myself supporting a Conservative amendment that proposes a free universal provision, in the teeth of opposition from a Labour Government. However there is some merit in the Conservative proposal, as there is too in amendment No.19, which the hon. Member for Hayes and Harlington (John McDonnell) has yet to move. There will be a cost to us all, whether from those who have to get the card at a flat rate or through general taxation, which is a burden that falls on us all. Both the Conservatives and Government Back Benchers are offering the Government a way out.

The Government are stumbling towards a new plasticised poll tax. It is worth recalling why the poll tax was unpopular. It was a flat-rate tax, which bore no relation to ability to pay. In that sense, it was regressive. What the Government are suggesting is, at the very least, a similar flat-rate levy. Much of the opposition to the poll tax was not from principle, although that was at the root of it; the serious opposition, at least in Scotland, arose from the recovery process. We saw local authority-instructed sheriff officers carrying out poindings and warrant sales for the recovery of a civil penalty, the poll tax. The Bill suggests that failure to pay the fee for an identity card will incur a civil penalty. We are presented with the spectacle that a Labour Government will be sending out sheriff officers to carry out poindings and warrant sales for the recovery of a civil penalty—*[Interruption.]* The Minister for Immigration, Citizenship and Nationality says from a sedentary position that that is not true. Perhaps he can tell me on which point I am wrong. He is not going to do so.

John Penrose (Weston-super-Mare) (Con): On the point about a regressive charge, does the hon. Gentleman agree that it is likely to fall most heavily on some of the most disadvantaged and vulnerable members of the public? In my constituency, we have a large proportion of pensioners, who are often on fixed incomes. Many of them will find it extremely hard to pay that additional tax, struggling as they are already with a number of other cost increases.

Mr. Carmichael: That certainly appears to be the case. As with everything else to do with this cursed Bill, we do not know, because we do not yet have the detail of what the Government are proposing.

[Mr. Carmichael]

The Bill will impose a penalty, which if it is to be meaningful must be recoverable and that can be done only by means of civil penalties.

Mr. Alex Salmond (Banff and Buchan) (SNP): After making a sedentary intervention, the Minister has disappeared from the Treasury Bench. He should not do so. What is his disagreement with the logic of the hon. Member for Orkney and Shetland (Mr. Carmichael)? Is it that people would not receive a card if they did not pay? If they do not pay, presumably the Government have some means of recovering the charge. The hon. Gentleman should pursue that point; he may have touched on a Government soft nerve.

Mr. Carmichael: I do not know whether it is soft, but it is certainly raw—

Mr. Salmond: The Minister is now getting advice.

Mr. Carmichael: The Minister should have no need of advice as I have already raised the point with him in Committee. Members from Scotland in particular will have memories of the political capital that they made in the 1980s and early 1990s from the poll tax and the poindings and warrant sales, which should give them pause to reflect before they go into the Lobby tonight, or on any other occasion.

Mr. David Hamilton (Midlothian) (Lab): As someone who once had the sheriff's officers at his door, I can well remember that time. Furthermore, as someone who, albeit somewhat reluctantly, has supported the Government on some issues tonight, I will not be supporting them on payments for individuals. We should keep separate the arguments. I would accept the argument on cost, although we must challenge what the cost would be, taking on board the comments of the Select Committee mentioned by my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), but what I will not accept—nor will a number of people—is that the costs should be transferred to individuals who cannot pay them. If they are on income support or are among the millions of our low-paid workers, they should not have to pay under that system.

Mr. Carmichael: I am grateful to the hon. Gentleman for that point. I would have expected him to take that position because I know his views on a range of similar issues. However, I fear that he may prove to be the exception rather the rule among his fellow Scottish Labour Members, but we shall see.

8 pm

Dr. Blackman-Woods: I would not want the hon. Gentleman to think that Labour Members are not concerned about costs, especially costs to the individual, because we want them to be as low as possible. The Secretary of State has given us assurances that every effort will be made to keep the costs reasonable.

Mr. Carmichael: I do not doubt for a second that hon. Members on both sides of the House are worried about costs. I am worried that Labour Members' concern does not seem to extend to providing meaningful protection for those who simply will not be in a position to pay and will thus be heavily penalised due to the scheme.

I am aware that time is short and that other hon. Members wish to speak. I thank the Conservatives and the hon. Member for Hayes and Harlington, who is yet to speak, for giving us the opportunity to discuss the matter on the Floor of the House. We have had a useful debate and if the hon. Member for Hayes and Harlington is minded to press amendment No. 19 to a Division, I assure him that the Liberal Democrats will support him in the Lobby.

John McDonnell (Hayes and Harlington) (Lab): I shall speak to amendment No. 19, and with your permission, Mr. Deputy Speaker, I shall press it to a Division at a later stage.

I come to the debate, as always, as a humble seeker of the truth. I am doing everything that I possibly can to ensure the swift and speedy passage of Government legislation, and I am supporting them by trying to ensure that whatever legislation is passed can be properly implemented.

The problem on which hon. Members on both sides of the House are currently stumbling is that the Government clearly and correctly said from the beginning that they wanted to ensure that they budgeted for the scheme appropriately and set aside the required sums to introduce such a new mechanism for identifying individuals. They said that those sums should properly cover the costs and be effectively and efficiently spent, which I wholeheartedly support. When there was discussion and consultation on charges for ID cards themselves, the Government honestly said that they wanted to keep any charge to a minimum, yet ensure that it would cover the costs of implementing the scheme. That was why we reached the point in June during which it seemed almost as though negotiations were going on in the Chamber between Labour Back Benchers and Front Benchers about the breakdown of charges between the passport and ID-card elements of the scheme. We were told at that stage that the Home Secretary was looking at trying to keep the charge of the card down to £30.

A £30 charge on top of the charge for a passport—that takes the charge to £93—might well be reasonable for some people, but the figure is based on the Government's estimate of the costs of the scheme. The charge is designed to cover the costs, but what will happen if the costs have been underestimated? The Government estimated that the passport and ID scheme would cost £5.8 billion over 10 years, which was the basis on which we calculated a charge of £93. I must say that I could spend £5.8 billion on many more productive things than an ID card scheme, but let us put that principled argument on one side.

The London School of Economics report that analysed the scheme, which has already been cited, gave its lowest estimate of the cost of the scheme as £10.6 billion. The median estimate was £14.5 billion and the highest estimate was £19.2 billion. If the Government wish to cover the cost of the scheme

through charging, a cost that is anywhere near the LSE's predictions will mean that the charge for a card and passport will eventually rise to something like £200 to £300.

Lynne Jones: I share my hon. Friend's concern. Is he aware that the increase to the charge for a passport between this year and next will be £15.57, which will be set to take account of only minor changes: the facial biometric and the system of interviews? However, it is estimated that the charge will increase between 2006–07 and the full implementation of the scheme by only £5.07, although fingerprint and iris biometrics will be introduced and the changing database will be set up during that time. The Government's figures are intuitively unreliable—compare £5 for a massive change with £15 for a minor change.

John McDonnell: My hon. Friend's point, which was perfectly made, reinforces our worry about what the Government will do if the charge is to cover the cost and yet the cost escalates.

The Home Secretary and the Government have quite properly given assurances that they will try to keep costs down, but I have sat in the Chamber listening to assurances before. When we considered the Bill that became the Terrorism Act 2000, the Home Secretary—he was then a junior Home Office Minister—assured us that the measure would not be used against people who were peacefully picketing and demonstrating, but within three months it was. I have thus sat through debates when assurances have been made by Government Ministers that have then not been realised.

I am worried about what will happen if there is a cost overrun after we have inflicted a mandatory charge on the general public. Who will cover the cost if the system does not work? What will happen if not only the initial procurement estimates are wrong, but the cost of the contract starts to overrun in the early stages? Will we give more assurances to the public that the charge will not rise and, if so, will the cost fall on general taxation? Alternatively, will a one-off levy be put on businesses or others?

Mr. Love: According to the press release that was released yesterday to indicate that the charge of a card to those who do not take a passport will be £30, the Home Office can absorb any costs entailed in the scheme. If costs go up, they will thus lie with the Home Office and the only way in which it will be able to recoup the money will be by increasing the charge for the identity card.

John McDonnell: That is one option. However, we are all aware of the stringency of the Treasury's activities across Government Departments, so the other option would be that the Home Office would have to swallow its own smoke by using its budget, which would lead to cuts in other services, such as probation, prisons and policing. If costs escalate, the options are to increase the charge for the cards, or to cut services in the Home Secretary's remit.

It is argued that risks will be reduced because the scheme will be rolled out in phases, but that does not reassure me. It is estimated that the scheme will involve the biggest computer contract in western Europe for the past 20 years. A project on such a scale has great potential for problems and cost overruns. Reports by the Public Accounts Committee tell us time and again that 50 per cent. of the Government's computer projects have failed, experienced serious developmental and operational problems, or overrun on time scales, thus overrunning on costs. None of us will be reassured about the implementation of the programme through such a massive contract.

Mr. Drew: I do not know whether my hon. Friend read the answer that I received last week to a parliamentary question. It said there are currently 300,000 cases of passport theft a year. We did not touch on this matter in Committee, so will the Minister tell us who will pay if people lose their ID cards, or their ID cards and their passports?

John McDonnell: If the Government maintain that the costs of the scheme must be covered by charges, the general public will pay. The hon. Member for Newark (Patrick Mercer) raised the issue of fraud. If it is as rampant in the use of ID cards as some people have suggested the public will be charged so that additional anti-fraud measures can be introduced. One criticism in the LSE report concerns the Government's inadequate attention to the danger of fraud deep within the system. In future, the Public Accounts Committee will have a field day with the scheme overall and specifically the massive computer project. The exercise will become part of the pantheon that includes the Millennium dome, the Dangerous Dogs Act and rail privatisation.

Mr. Todd: They were a lot cheaper.

John McDonnell: Indeed. At the end of the day, they probably did not impose such a heavy charge on our constituents. Because the technology has not been tested the charges will go up. I am surprised that we have not built into the legislation further controls to prevent such increases.

Mr. Todd: I shall focus on the KPMG report, which has not been fully disclosed but makes reference to a weakness in sensitivity analysis on costs in the project. While giving a generally supportive nod towards the methodology used for producing the Government's estimated costs it refers to the huge unknowns that drive many costs on a project of this scale and length. Does my hon. Friend accept that that is a concern?

John McDonnell: The KPMG report is concerned that the project is an enormous leap in the dark. There are worries about implementation, technology and staff capability in the different Departments that must handle ID cards and the passport system together.

We are forcing the scheme on people, contrary to the Prime Minister's choice agenda. Many people will not wish to participate in it, and there will be refuseniks. If we hound them down resentments will build up. By introducing a charge rather than paying for the scheme through general taxation the burden will fall, as has been said, on those least able to pay. I have not heard any ministerial assurances about whether or not we will accommodate pensioners or people on benefits by

[John McDonnell]

ensuring that they will not have to pay. Perhaps there will be an additional one-off allowance for pensioners along with their Christmas bonus so that they can go and get their ID cards. However, there does not seem to have been any consideration of the cost burden that will fall on people who are least able to afford it.

Mr. Todd: If I understand the Bill correctly there is an assumption that take-up will not be 100 per cent., so the Minister will have the discretion to write off charges for citizens who, for one reason or another, fail to take up the card. Does that not suggest a major weakness? If that is known beforehand, people who do not wish to take part in the project can opt out knowing that they do not have to pay.

John McDonnell: My hon. Friend has spotted an incentive in the Bill for people to go into hiding and to refuse to pay. I am more concerned, however, about people who will struggle to pay the initial charge. If the project goes wrong and costs increase the charge imposed will have to go up. As a result, those people will not be able to bear that burden. I agree that resentment will build up. This debate mirrors debates about the poll tax in that it has been said that the present proposed charge is much fairer as it is a one-off cost that people will not mind paying. I think that they will. What happens if they refuse to pay? Do we really wish to go through the experience that we are now having with council tax of imprisoning vicars? Will bailiffs turn up at people's doors to take them to court or take away their goods because they cannot pay or refuse to do so?

8.15 pm

The Government are digging themselves into a hole, so I shall offer them some friendly, comradely and constructive advice. To ease the passage of the Bill and make the process fairer it would be better to ensure that implementation costs are borne through progressive taxation. As a result, costs would not bear too heavily on those least able to afford them. That would prevent resentment at a one-off charge, especially if it increased beyond the £30 estimate as is inevitable if the cost of implementing the system rises. I urge the Government to reconsider their position. If they do not do so I wish to press my amendment to a vote. I repeat, however, that Ministers will live to regret association with the legislation. Apart from all the complications and the attack on civil liberties, what will stick in the public's mind is being forced to pay for something that they never chose to have.

Mr. Salmond: If the hon. Member for Hayes and Harlington (John McDonnell) presses his amendment to a vote, I shall follow him loyally into the Lobby.

We should be grateful to the right hon. Member for Southampton, Itchen (Mr. Denham) for giving a speech in favour of identity cards, as it has reinforced many Members' opposition to them. We should also be grateful to him for reminding us of cost implications in the key recommendations from the Select Committee that he ably chairs. He gave three examples of things with cost implications: first, frequent changes of address, which was one of the issues that felled the poll tax; secondly, to use shorthand, the lack of technology proofing, despite the Select Committee's recommendations; and, thirdly, procurement and its bearing on costs. I thank him for one of the most succinct and lucid examinations of procurement problems that we have heard.

Given that the Select Committee identified three things that bear heavily on costs, I cannot believe that more than a year later, none of those things has been examined or dealt with properly. I have great regard and respect for the right hon. Gentleman, but his conclusion that the House of Commons should blunder on regardless, ignoring all the things that have not been done, the assurances that have not been given and the examination that has not been completed, is remarkable. Should we just cross our fingers and hope for the best?

Mr. Denham: The vast majority of people who oppose the Bill would do so whether or not there were issues of cost. The House would make an historic mistake if it did not proceed with legislation that enables ID cards to come into force, because there is a compelling case for such cards. It is perfectly reasonable to pass the legislation, but it is also important that we make it clear to Ministers that there are concerns about procurement, which must be set right in the following months.

Mr. Salmond: Someone with substantial parliamentary experience knows that the best way to ensure that such things are dealt with is to fire a shot, not just across the bows but below the water line, in the amendments. That would ensure that these matters would not be ignored, as has been the case in the past year. However, the House is being asked to vote for a pig in a poke and accept something that cannot possibly be quantified. The three issues that the right hon. Gentleman identified make it impossible to give any valid estimate of the costs of the ID card scheme.

In an intervention from elsewhere on the Labour Benches, we were told—I paraphrase—that the Minister had assured us that the cost would be kept as low as possible. Those of us who remember the poll tax debates in the House know that no Minister said, "We're going to make the poll tax as high as possible"—on the contrary, the Government said it would be 50 quid or 100 quid and would be kept as low as possible. They said it would transform local government finance, but of course they could not estimate the cost of the poll tax because they could not estimate the cost of enforcement. In the famous phrase of Michael Heseltine, it was unenforceable—unworkable. That is exactly what we are facing once again. The three issues that the right hon. Member for Southampton, Itchen so ably identified in his speech in favour of the Bill should reinforce substantially the opposition to it and our doubts about it.

There are two other cost issues that we must bear in mind. The first was raised in an earlier debate, when we heard a quote from Mr. Jerry Fishenden, the national technology officer for Microsoft, from *The Scotsman* this morning. As a high ranking official of Microsoft, he is presumably in a reasonable position to estimate the

damage that the Bill could cause if it were not correctly handled. He said that it would lead to a massive fraud

"on a scale as yet unseen."

If that comes about, it will be a cost on general business and on security, and measures will have to be introduced to counteract the massive fraud

"on a scale as yet unseen"—

again, totally unquantifiable by the Government.

Lastly, there is the question of opportunity cost—of what we might be doing with the billions if we were not pursuing this pig in a poke or buying these unfinished goods, this spatchcock legislation. I suppose the Government might fight another war. That would be another £5 billion—

Mr. Deputy Speaker: Order. I am sure that the hon. Gentleman will be the first to recognise that he is straying well away from the amendments, which are about what people will have to pay for the cards. We are not dealing with the Iraq war at this stage in the proceedings.

Mr. Salmond: As always, Mr. Deputy Speaker, I accept your advice, but the question of opportunity cost bears on what people will have to pay. In the absence of an answer from the Government to any of the substantive questions that have been raised, they cannot give us a realistic estimate of costs. The LSE estimates that have been quoted—the £10 billion to £19.2 billion, which would result in a cost for the individual of £170 to £230—are the best and most reasonable estimate available.

If those are the real costs—the best that can reasonably be estimated from the Government's lack of preparedness and in the absence of information from them—it is legitimate to ask how those substantial charges will be extracted from members of the public. At the time of the poll tax, one of the jokes was that people would next be taxed for breathing. The way that the Government formulate identity cards makes them virtually a tax on existence. In the absence of any assurance, quantification or solidity underpinning the Government's position, it is entirely legitimate to ask how the charges will be extracted from the population. When the hon. Member for Orkney and Shetland (Mr. Carmichael) asks about poinding and warrant sales, those are legitimate questions. It will require more than a little additional advice from the Treasury Bench to answer them—perhaps not in relation to the result of the votes tonight, but certainly when there is a general debate and the effects of such a disastrous Bill are felt among the general public.

Bill Etherington (Sunderland, North) (Lab): I congratulate the hon. Member for Newark (Patrick Mercer) on his honesty. He clearly said that he had moved the amendment to try to wreck the Bill. That is admirable. I want it to be understood that, for precisely the opposite reasons to those that he advanced, some of us support the proposition that there should be no individual payment to obtain what is compulsory.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) opposes identity cards, but I am not against the concept. I have reservations—for example, I do not believe that ID cards will be a panacea or solve all the problems that we are led to believe they will solve, but they can improve the situation. ID cards are an erosion of civil liberties, but on balance, I can live with that. Although in this case the erosion of civil liberties may not appear too severe, that must be taken in conjunction with the various other erosions of civil liberties that have occurred since we took power in 1997. The erosion of civil liberties is becoming increasingly worrying, and I look forward to the day when a Labour Minister stands at the Dispatch Box and announces an increase in civil liberties, rather than their curtailment. That is the history of our party, and it causes some of us considerable concern.

There can be significant advantages to the use of identity cards or smart cards, whichever they are called. I believe that the matter is being properly addressed, but there is one thing that I cannot come to terms with. Various comparisons have been made by Ministers. We hear about driving licences and passports, and the fact that people have to pay for those. But with very few exceptions, nobody is obliged to purchase a passport, because very few people are obliged to go abroad. They go abroad because they choose to. The same can be said about obtaining a driving licence. Very few people are obliged to drive a motor car, so they are not obliged to purchase a driving licence.

When the Government decide that for the benefit of society as a whole some measure needs to be introduced, society as a whole, not the individual, should pay for it. We have all heard about the old age pensioner couple who might see their winter fuel allowance wiped out because eventually it will be compulsory for them to obtain identity cards, whereas if it cost £100, £200 or £300 to obtain an identity card, it would not have any great effect on people like us. That principle is wrong. Although we do not hear so much about it now, I rather like the concept of socialism and progressive taxation. It is an admirable concept that those who take most out of society should put most back in, for the benefit of us all.

It is unfair that if something is compulsory, people should be obliged to pay for it. Initially, ID cards will be voluntary. Does anybody believe that people will shell out money for something that is voluntary, if they do not need to? When the voluntary card becomes compulsory, which will eventually happen—it has considerable merit—it will be so much more difficult if few people have taken up the voluntary option. Even at this late stage I ask the Government to think again. I have not mentioned costs or the merit of costs, because I do not want to stray into those matters. Any Member or Minister who is concerned about the cost should bear in mind that there will be a far greater incentive to keep the cost down if the Treasury must bear the cost than if it falls on the individual.

Mr. Ellwood: This debate is not simply about ID cards: it is about the relationship between the citizen and the state and the borderline between what civil liberties we are willing to concede in order to live in a fairer, safe and secure world.

The Bill's aims are commendable—they include tackling ID fraud, benefit fraud, illegal immigration and terrorism—but as we learn more about the detail of the costs, the British nation is becoming increasingly sceptical. I wonder whether we would be having this debate if the Government were a little more transparent

[Mr. Ellwood]

about some of the costs that are likely to be incurred. My hon. Friend the Member for Newark (Patrick Mercer) quoted the report from the London School of Economics. Other estimates of the total cost of the project range from £3 billion all the way up to £10 billion.

I wonder whether we will get value for money if we spend that much. It has been said that the police support the project. If they knew that they had £10 billion to spend on helping with matters to do with security and benefit fraud, would they spend it in this fashion? For example, Bournemouth is crying out for an improved CCTV system. We could easily spend that money on projects that are worth while and beneficial to the nation instead of a system which has no exact final cost. In America, where they do not have ID cards yet, extra money after 9/11 has been invested in homeland security and strengthening its borders.

8.30 pm

The costs of current database systems have spiralled. The NHS database went from £6.2 billion up to £20 billion. The probation service database went from £85 million to £120 million, and was then scrapped. The air traffic control system went from £350 million to £630 million. Why would the database for ID cards be any different? What guarantees can the Government give that they are not going to repeat those mistakes?

Another issue is that of the performance of the IT. The Passport Agency, the Child Support Agency and the Criminal Records Bureau have all had IT problems with their databases. Again, why should the ID cards database be any different?

Lots of questions have been asked today about the cost. How much would it cost to replace the card? How much has already been spent on the project to date? I asked those questions of the Minister in Committee. Is there an upper limit to how much the Government are willing to spend before they say that the costs have spiralled out of control, as in the case of previous databases? In order to prevent a terrorist from using a stolen ID card, or a thief from making a false benefit claim, some form of verification process—a contraption such as an iris scanner—will be required to determine that the person holding the card is the person they say they are. We will then get that apparatus right across Britain, including at all our airports. Who will meet the cost for those additional bits of equipment?

Having debated this on Second Reading, in Committee and today, I believe that the Bill is flawed. It is open-ended and dangerous in that it does not have a clear timetable, it is based on technology that does not work and uses questionable or unknown costings, and it is increasingly without the support of the people.

Mr. Love: I did not intend to speak in the debate but as there is some time I should like to make a couple of brief points. The first concerns spiralling costs. At the beginning of the project, the cost of identity cards was meant to be £15. It then went up to £35 and was linked to the passport and went up to £77. The latest estimate is £93. It takes a great deal of trust and confidence to think that it will not continue to rise.

We all know that there are significant risks to the costs involved in the project. That is one reason why many people, even those who support the scheme, are suggesting that there needs to be greater transparency. In my constituency, the turnover of people is in the region of 20 to 30 per cent. annually. The electoral register cannot keep up because of that movement. If addresses are to be included, as was suggested earlier, the costs will spiral, especially in urban areas such as Greater London.

So far we have not mentioned inaccuracy, but there will be substantial inaccuracies—there are in every computer system that we have. Sorting them out will undoubtedly lead to major increases in cost. There will also be great public concern about security. Making the system even more secure will cost money.

There has been much talk about the location of the centres for biometric identification. We can be sure that, whatever number the Government come up with, we will need to double it to satisfy the public. The time taken to go through the identification process will be much greater than estimated. If we add function creep and the inflation of the amount of information that is kept in the system—all are consequences of a mandatory scheme—one can envisage costs spiralling out of control.

How can we make the scheme proportionate to the likely limited benefits that it can deliver? That cost-benefit analysis has not been done. We have talked a lot about the financial cost but there are also related social costs. One of the great disappointments of the Home Affairs Committee report was that it steered clear of that argument. It behoves the Chamber to discuss those costs. Let us consider the 51 pieces of information that will be held on an individual. They require 13 different biometric tests. If that is not information overkill, I do not know what is. That is not proportionate to the likely benefits. I hope that, if nothing else, the Government will at least listen to the anxieties that are being expressed; otherwise, first the Home Office and then the Government will be shafted.

Mr. Todd: One of my concerns is that the Government have not shared their business case with us even in edited form. It would give us substantial information about the assumptions and benefits to which my hon. Friend referred. As I understand it, the business case will have attempted to produce a net present value of the project to demonstrate that it will have a return over time. I would expect that to be marginal on the basis of the Government's costs. If one then applied the sensitivities that we have discussed such as possible overruns, which my hon. Friend mentioned, the project is likely to cost us a great deal more than has been estimated up to now.

Mr. Love: I concur. I served on the Public Accounts Committee for some time and we considered many such reports. Of course, the assumptions that one includes in a net present value calculation are critical. In the sensitivity analysis, if one does not make proper assumptions about the likely outcome, one will get it

wrong. The Government need to consider the matter carefully. If they listen to the comments that have been made today, they will do that.

Lynne Jones: I share the concerns about the cost of identity cards and the charges that will ultimately be levied for them. The Government have given us no indication of the way in which their estimate of £580 million or so a year for the cost of the scheme is broken down between what is necessary to comply with international requirements for passports and what is needed to create their comprehensive identity scheme, which is about not only identity cards but the national identity register.

The Government claim that international requirements account for 70 per cent. of the cost of the scheme. However, let us consider the figures that we have. The current cost of our passport is £42.36. Next year, that will increase by the substantial amount of £15.57 to £57.93. I asked the Government for the reason for the increase and they replied that it was largely due to the delivery of several key counter-fraud initiatives, notably interviews for all first-time applicants, links with other public sector databases and the full implementation of facial biometric passports. That is just for the facial biometric, not for the other biometrics that will be required. Yet the cost of the full implementation of the scheme will be £93, to include £30 for the ID card. The passport, without the ID card, will cost £63. That is an increase of only £5.07, which implies only an additional 10 per cent. cost for the minimal requirement of the facial biometric.

These figures beggar belief. How are we going to achieve all the additional biometrics—all 10 fingerprints, plus iris recognition and the facial biometric—and the implementation of the national identity register with all the continual changes involved, for that amount? This is not comparable with the present UK passport database, which is a static database. Between 2006 and 2007, we shall move over to the full implementation of the scheme, with its constantly changing database, yet we are told that it is going to cost only an extra 10 per cent. Even the cost of the whole package, at £93, still represents a fairly modest increase for such a huge change in the scheme.

The Government are giving us assurances about keeping the costs down, but perhaps the best way for them to achieve that would be to abandon this scheme and do what the Americans, the Germans and all the other European countries are doing, which is to have an ID card or passport that has just a few simple biometrics and no central database.

Andy Burnham: Over the past hour or so, the debate has arrived at the point of concern for most people in the country, namely, the cost of the scheme to individuals and its cost more generally. I do not believe that many people will be persuaded by the great perorations on liberty that we have heard tonight. They can see the purpose and the benefits of the identity card scheme and they want to know whether it will be affordable. That is the bottom line.

Many good points have been raised on both sides of the House tonight, in what has become a more reasoned debate since about 7 o'clock. There has also been hyperbole on both sides, and the poll tax has been mentioned on a number of occasions. There is quite a difference between a proposal for people to pay between £800 and £1,000 a year, and one for an identity card that will cost £30 for 10 years. They are not directly comparable, and it did the debate no good to make that comparison.

There is however some common ground between us. We all have a vested interest in ensuring that the overall costs of the scheme—and therefore the cost to the individual—are as low as possible. I shall address the two matters separately: the cost to the individual, and the related point that was so eloquently raised by my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) about the cost of the scheme overall.

Amendments Nos. 7 and 19 raise a point of principle—interestingly, it was raised by Members on the Conservative Front Bench—about making the cards free of charge. While we agree that the charges should be kept as affordable as possible, there is clearly an issue involved in whether there should be any charge at all. My hon. Friend the Member for Sunderland, North (Bill Etherington) put forward his argument on that point very clearly.

We believe that the card will bring a range of benefits to the individual, in terms of everyday convenience, and of enhancing their ability to protect their own identity data against misuse. Individuals will also benefit from being able to use the card as a travel document within the European Union. That, of course, is a benefit to the individual and is consistent with the charge that is levied for a passport at the moment. The question raised by the amendments is whether the cost of the scheme should be met entirely from general taxation—I believe that that was the thrust of the contributions of my hon. Friends the Members for Hayes and Harlington (John McDonnell) and for Sunderland, North and of the Conservative amendment—or whether it is right to set a charge that reflects the benefits to the individual while also ensuring that it is affordable.

8.45 pm

I want to take head-on the point raised repeatedly in the debate about the opportunity cost. During the general election campaign, I lost count of the number of times that the Liberal Democrats said that they would use the money from the national identity card scheme to put more police on the street. That was an entirely spurious argument, as there is not a great big pot of money that can then be allocated to pay for more police on the beat. Our proposal is for a scheme based on recovery of charges from individuals. The argument that there is a big amount of money to be allocated either to ID cards or some other public purpose, such as CCTV in Bournemouth, is not therefore correct.

Tim Farron: Is the Minister therefore saying that the entire cost of ID cards will be borne by citizens paying up front for the card, and not by the taxpayer?

Andy Burnham: That is precisely the basis on which the scheme has been developed—that the costs of running the scheme will be recovered through charges to the individuals and organisations who use the service.

[Andy Burnham]

The idea that the money could be diverted to a wish list of other things, whether CCTV in Bournemouth or more police on the beat, simply does not stack up.

Mr. Ellwood: The Minister makes an important point, but does he not agree that we would have a much more transparent, useful and interesting debate if we had the costs in front of us today? People have been stabbing in the dark using independent reports, whereas if the Government had done their homework before coming to the House, we would be able to have a proper debate, and the nation would be in a better position to judge whether the scheme is worth it or whether we should spend the money elsewhere.

Andy Burnham: I am surprised that the hon. Gentleman, who was a member of the Standing Committee, should make that comment at this point. Detail has been laid before the House on the annual costs of the scheme, and he had access to documentation during Committee showing the cost as £584 million a year. He will also know that information about the benefits of the scheme, in terms of value realised per annum, which has been raised on many occasions today, has been made available. Some detailed work has been done on that, and it has been quantified at £650 million to £1.1 billion per annum. The scheme therefore has a considerable net present value.

Mr. Carmichael: Can the Minister confirm that one of these sources of income will be other Departments? That being the case, can he tell me where those other Departments are getting their money from?

Andy Burnham: I am not sure whether the hon. Gentleman is referring to other Departments making a contribution to the scheme, or whether he thinks that they will pay an annual charge. My point is that the costs of the scheme have been developed according to costs paid by individuals to be enrolled and issued with a passport and identity card, and costs paid by organisations that use the scheme.

Mr. Salmond: How is it possible for the House to place any credibility on the Government's estimates when they have palpably not answered the questions posed by the Select Committee, which one of the friends of the Bill posed to the Minister earlier this evening? If those have not been examined properly, which is the word of the Select Committee Chairman, how can any credibility be placed on the Government's costings?

Andy Burnham: I shall talk about the issues raised by the Chairman of the Select Committee now. I listened carefully to what he had to say. As always, he made a number of extremely valuable points—and I hasten to remind him that he prefaced his remarks with the comment that he was a supporter of the scheme. I think he said that the case was compelling. Does the hon. Gentleman recall that?

Mr. Salmond: Yes.

Andy Burnham: I do as well. I welcomed the Chairman's observations: he made a number of sensible points, and it behoves one in my position to note them carefully and respond to them properly. One of them related to addresses—

Mr. Todd: My hon. Friend touched on the net present value of the project. Will he place in the Library a calculation of its value, and its exposure to sensitivities? That would be useful to us during the remainder of the Bill's passage.

My hon. Friend referred to other stakeholders. I assume that he was thinking of the private sector and the contributions that it might have to make. Can he give us any idea of the basis on which we can place any reliance on what those concerned have said so far? In fact, they seem to have been silent on the subject.

Andy Burnham: My hon. Friend mentioned the KPMG report earlier. We have said that a summary of the report will be published shortly. I shall be happy to make it available to any Member who would like to read it.

My hon. Friend's second point was—

Mr. Todd: My first point was about net present value, which was not precisely what the KPMG report addressed. It was addressed more in the Office of Government Commerce analysis. My second point related to the assumptions made about private sector contributions to the success of the project, and the extent to which we could rely on those involved in view of their relative silence to date.

Andy Burnham: As the scheme progresses, we shall seek to share more information. The Chairman of the Select Committee made the valuable point that being open about the procurement process could strengthen the scheme.

My right hon. Friend also mentioned the possible cost of constant re-registration by people moving house. As he will know, addresses are currently printed on the front of driving licences. I do not think it would be sensible to require people to obtain a new identity card every time they moved house. We want a system enabling people easily to communicate a change of address to those who run the scheme, but I take his point. He also mentioned the chief scientific adviser, Sir David King, and the recommendation that a group should be established to consider the efficacy of biometrics. I can tell him that a biometrics assurance group, a Government group, is being set up under Sir David's chairmanship.

The issues are coming into sharper focus now that we have reached a point at which rigorous testing is necessary. Regular meetings have already been scheduled for the next 12 months, and the Home Office has recently appointed a senior biometrics adviser from the private sector.

Mr. Salmond: May I bring this particular issue into even sharper focus? The Minister has said, a year after the Select Committee's report, that the Government are taking on board the point about addresses, and that it

will be easy for people to notify the authorities about a change of address. What will happen if they do not do that?

Andy Burnham: If the hon. Gentleman has read the Bill, he will know that people are required to notify the authorities of a change of address. I want to ensure that they can do that easily and quickly.

My right hon. Friend asked whether this was just a Home Office scheme that would be examined by the rest of Government, or a cross-Government scheme. He may know that a cross-departmental group of Ministers from the main Departments with an interest in the scheme, chaired by my hon. Friend the Minister of State, is looking in detail at all the issues that he mentioned. It is looking at how Departments can plan now to build the national identity register into their work, so that we can get maximum benefit at the earliest possible stage. However, my right hon. Friend's point was well made.

Tim Farron: On consulting other Departments and the costs that have yet to be built in, does the Minister recall his answer to me in Committee? He said that members of staff operating and administering the scheme would be deemed to be in positions of trust. Has he established how much it will cost to ensure that that vast army of people are security cleared and police checked, and has he consulted the trade unions?

Andy Burnham: I remember saying that to the hon. Gentleman, and I will of course take on board those issues as we move forward.

Let me deal directly with the cost to the individual—the issue that those listening to this debate want most reassurance on. As the House knows, on Second Reading my right hon. Friend the Home Secretary gave a commitment that he would seek to introduce an ID card cost that we believe is affordable and fair to the majority of the public. The hon. Member for Newark (Patrick Mercer) said that we danced round this issue in Committee, and I am happy to tell him this evening that the Home Secretary has confirmed that a £30 fee for a stand-alone ID card would be a fair price to pay. We believe that, crucially, it is affordable—

Patrick Mercer: On a point of order, Madam Deputy Speaker. Perhaps I might seek some advice. Would it be in order for you to ask the Minister to conclude his speech, so that I might have time to withdraw my amendment?

Madam Deputy Speaker (Sylvia Heal): It is certainly not for me to determine that. The Minister has the Floor, and when he decides to sit down is entirely up to him.

Andy Burnham: I shall endeavour to give the hon. Gentleman the reply that he asked for. We have been able to set this fee, but the one qualification is that before we enter the procurement stage, it is of course difficult to be hard and fast about the fees that could be charged. But we think it right at this stage to give those listening to this debate an idea of the cost of the stand-alone card. We believe that doing so will build confidence in the scheme.

Several hon. Members *rose—*

Andy Burnham: I shall give way one more time, to my hon. Friend the Member for Stroud (Mr. Drew), who was a member of the Standing Committee.

Mr. Drew: I am grateful to my hon. Friend for giving way. Will he clarify what will happen in the case of a lost, and particularly a stolen, card? Will the assumption be that the person in question has to pay for full cost recovery, or will tolerance be shown, so that the poorest, who may prove most subject to theft, are not asked to make the greatest contribution?

Andy Burnham: My hon. Friend makes a fair point, and we are looking at whether a replacement fee can be introduced. In cases where people lose their card, it should not be necessary for them to go through the whole process again and to pay the full price of a card. Such issues will be clarified as we get into the next stage of the scheme. My hon. Friend may find more reassurance in clause 37, which sets out the wide range of powers to set fees and allows for the payment of fees in instalments. As I pointed out, my right hon. Friend the Home Secretary, in setting the £30 stand-alone fee, said that we believe such a fee to be fair. It also means that not everybody will have to pay for the cost of an identity card and passport. The stand-alone fee deals with one of the issues raised by the hon. Member for Newark, in that it gives people a choice. They can choose whether to purchase an ID card, at a cost of £30, that will enable them to travel within the European Union, or to purchase the two documents—the passport and the ID card—the current combined unit cost of which is £93. However, the £30 card will not be a cut-price or inferior card, as has been suggested in some parts of the media.

Amendment No. 19 seeks to exclude from clause 37 the power to charge for ID cards. We believe that that is not the correct thing to do at this stage. We of course want people to register with the scheme, but a charge of £30 is affordable, particularly if they can pay in instalments. By way of comparison, several other EU countries charge for ID cards. France, where the ID card has traditionally been free of charge, is now looking to charge for the new biometric card, which will be introduced there soon. What we are proposing, Madam Deputy Speaker, is consistent with practice in other parts of the EU, particularly France—

It being Nine o'clock, MADAM DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

The House divided: Ayes 277, Noes 310.

Division No. 59] **[9 pm**

AYES

Afriyie, Adam	Atkinson, Mr. Peter
Ainsworth, Mr. Peter	Bacon, Mr. Richard
Alexander, Danny	Baker, Norman
Amess, Mr. David	Baldry, Tony
Ancram, rh Mr. Michael	Barker, Gregory
Arbuthnot, rh Mr. James	Baron, Mr. John

Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Casewell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Connarty, Michael
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Ferrari, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David

George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hamilton, Mr. David
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Herron, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howe, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kaufman, rh Sir Gerald
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Lawrence, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Lull, Peter

Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Otteway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Prichard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard

Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Geraldine
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Treganick, David
Turner, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waller, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Evennett and Mr. Henry Bellingham

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon

Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony

Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Caveney, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Iranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
Mclsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oliver, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riorden, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnerton, Ms Rosie
Woodward, Mr. Shaun
Wooles, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Vernon Coaker

Question accordingly negatived.

It being after Nine o'clock, MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions to be disposed of at that hour.*

Clause 29

UNAUTHORISED DISCLOSURE OF INFORMATION

Amendments made: No. 3, in page 25, line 42, after 'issue,', insert 'manufacture,'.—*[Andy Burnham.]*

Clause 43

GENERAL INTERPRETATION

Amendment made: No. 4, in page 37, line 29, after '1(5)', insert 'and (5A)'.—*[Andy Burnham.]*

Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, signified.]

9.15 pm

The Secretary of State for the Home Department (Mr. Charles Clarke): I beg to move, That the Bill be now read the Third time.

I begin by giving thanks to a number of colleagues. First, I thank my ministerial colleagues, my hon. Friend the Minister for Immigration, Citizenship and Nationality and the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham) as well as my colleagues in the Whips' office who have worked so hard to ensure that the Bill is passed. I thank the Bill team—my official colleagues who have worked so hard and have been ready on all occasions to discuss with all interests how we can improve the Bill and take it forward in a variety of ways. I thank the House authorities and the Clerks for the way in which the business has been conducted through a time-consuming process.

The Bill before the House is based closely on that approved by the House on 10 February 2005, so this is the second time that I have come to the House to propose that an Identity Cards Bill should receive its Third Reading. The Bill before us has had more scrutiny than most legislation. We had a six-month public consultation exercise starting in 2002, an inquiry by the Home Affairs Select Committee starting in 2003 and further consultation on the draft Bill in 2004. The first Bill was introduced in November 2004 and ran out of time because of the general election, and we now have reached the point for the current Bill to be approved by the House.

I believe that the time has come when we need the benefits and safeguards that an identity cards scheme will provide both to individuals, who will be able to prove their identity securely and reliably, and in the wider public interest. The identity card is an essential step in the process of providing a clear legislative framework for introducing identity cards. I know that the system has been controversial; the issue itself is controversial. But I believe that we all need to understand that we already live in a society in which enormous banks of information are held about all of us, whether by financial institutions, employers, passport and driving licence authorities, health and education authorities or criminal justice agencies. Moreover, we all now face many occasions on which we need to prove our identity, whether to open a bank account, to take out a mortgage, to claim a benefit, to pass through a border control, to get a Criminal Records Bureau clearance or many other basic transactions of our day-to-day lives. I believe that an up-to-date identity cards system will make all those transactions easier for the individual and will also be beneficial for the state. It will provide an effective mechanism to tackle crime, to reduce identity fraud, and to improve legitimate access to services. I believe that it will not remove civil liberties but will give an individual greater control over his identity.

Some have alleged that the Bill will create a Big Brother state. I do not believe that. I believe that it will help to control that state. It is an ambitious programme, I acknowledge, but one that we are setting on the path to achieve.

Peter Bottomley (Worthing, West) (Con): Will the Home Secretary give way?

Mr. Clarke: No, not at this stage. To meet many concerns that have been raised, changes have been made in the Report stage, which has just concluded, to provide additional safeguards. I will of course continue to listen and to act on constructive comments on the plans for delivering the identity card scheme once this enabling legislation has completed its passage through Parliament. We intend that the first ID cards should be issued by the end of 2008, and there will be further opportunities between now and then for the House to look at the detailed provisions to be set out in secondary legislation.

The simple fact is that the possession of a clear, unequivocal, unique form of identity in the shape of a card linked to a database holding biometrics will provide benefits to us all. It is why 21 out of 25 European Union member states already have ID card systems. It is why, in recent surveys, more than 70 per cent. of the public say that they support the introduction of ID cards. Moreover, biometrics are being developed around the world to improve the security and reliability of identity documents, including fingerprint biometrics on visas and our own facial image biometric passports, to be introduced in around a year's time.

Mr. Salmond *rose—*

Mr. Gerrard: Will my right hon. Friend give way?

Mr. Clarke: No, I shall not.

That is why the introduction of identity cards needs to proceed incrementally, building on our plans for biometric passports.

Let me reassert the benefits of the scheme. First, ID cards will help to tackle identity fraud, which now costs the UK economy and society more than £1.3 billion a year. Secondly, a secure identity system will help to prevent terrorist activity, more than a third of which makes use of false identities. Thirdly, identity cards will make it far easier to control immigration and illegal working, and British citizens will be able to use their identity cards instead of a passport to travel in Europe. Fourthly, ID cards will secure the more efficient and effective provision of public services.

The scheme will not create threats to privacy or change the way we live our lives, as many have alleged. We have never proposed a scheme under which it would be compulsory to carry a card or which would require the production of an identity card to the police. The Bill also sets limits on the information that can be held on the register. It will not contain information about

criminal convictions, financial records or political or religious opinions. Indeed, on Report, we have just amended the Bill so that it will not be possible to add a police national computer number to the register. No one will have access to the national identity register other than those operating it. What the Bill allows is for information to be provided from the register either with the consent of the individual or without that consent in strictly limited circumstances in accordance with the law of the land.

The introduction of ID cards will take place incrementally. The first stage will be to introduce the scheme and to enable everyone to register and obtain a biometric ID card when, for example, they apply for or renew a passport. However, a stand-alone ID card will also be available for British citizens who do not hold a passport. It will make it quicker and easier to obtain Criminal Records Bureau clearance for people who have already had their identity verified by obtaining an ID card. Registration will be enforced through civil, not criminal, penalties, which will offer flexibility to deal sympathetically with the circumstances of any individual case.

On costs, we estimate, as the Under-Secretary has already set out, that the total average annual running costs for issuing passports and ID cards to UK nationals will be £584 million. The Bill provides for a range of services to be covered by fees, such as approving an organisation before it can make checks against the register and usage fees for identity checks. It is right in my opinion that organisations benefiting from the checks should fund those costs.

Mr. Marshall-Andrews *rose—*

John McDonnell: Will my right hon. Friend give way?

Mr. Clarke: No—[HON. MEMBERS: "Give way!"] I have made it clear that I will not give way—[HON. MEMBERS: "Why not?"] It is because we have only a short time for this Third Reading and I intend to set out the argument.—*[Interruption.]*

Madam Deputy Speaker: Order. The Home Secretary has made it clear that at this moment in time he will not give way.

Mr. Clarke: Thank you, Madam Deputy Speaker. As I hope hon. Members will acknowledge, I often give way a great deal in such debates, but we have a short Third Reading debate and I intend to set out the argument clearly.

As we have said all along, we expect that most people will get their ID card along with their passport. That will give people the full benefits associated with having the most secure travel documentation, which can be used worldwide. Some 80 per cent. of the population hold a passport and the increased costs associated with recording biometric information and producing a more secure document would have to be incurred anyway, if the British passport is to keep its reputation among the most secure and trusted in the world.

Our current best estimate of the average unit cost of getting a combined passport and ID card package—as we have said since the outset—is £93. Some 70 per cent. of those costs would be incurred anyway, because of the worldwide move to biometric passports.

For a variety of reasons, some people may choose to obtain a stand-alone ID card, but, in considering what the cost of this entry-level option should be, I have to take account of the overall finances of the scheme. Since the debate on Second Reading, the project has been through a further Office of Government Commerce review on business justification. The review confirmed that the project is ready to proceed to the next phase. An independent assurance panel is now in place to ensure that the work is subject to rigorous, ongoing challenge by experts, as well as major period reviews by the OGC process.

I have commissioned KPMG to undertake an independent review of the costing methodology and the key costs assumptions. KPMG has concluded that the methodology used to cost the ID card proposals is robust and appropriate for this stage of development. KPMG has recommended improvements, such as extending the sensitivity analysis and revisiting the process for estimating contingency and some cost assumptions. KPMG has confirmed that the majority of the cost assumptions are based on appropriate benchmarks and analysis from the public sector and suppliers, and I will be acting on its recommendations as we move towards procurement after Royal Assent. An executive summary of the report will be published in due course.

Of course, our estimates must be finely tested in the marketplace. The final determination of what the scheme will cost individuals and organisations depends not just on how well we have specified the requirements, but on how the marketplace responds to the challenge of delivering an efficient, effective and affordable scheme.

I welcome the recent statement of support from Intellect, which represents the leading companies in the IT industry. John Higgins, the director general, has said that Intellect members and the wider UK technology industry have the ability to meet the technological challenges created by the Government's ID card proposals. The technology being considered, which will form the basis of the scheme, has already been used in similar programmes across the world and is well established.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Will my right hon. Friend give way?

Hon. Members: Give way!

Madam Deputy Speaker: Order. The Home Secretary will determine when he is ready to give way.

Mr. Clarke: Thank you, Madam Deputy Speaker.

For the Government's part, I have ensured that the fee-setting powers provided by clause 37 allow us to set a fee regime that is flexible and affordable and that can take into account any innovative approach suggested by possible suppliers. I can therefore tell the House that—as the Under-Secretary has already indicated—within our current financial estimates of the whole scheme, it will be affordable to set a charge of £30 at current prices for a stand-alone ID card that is valid for 10 years. No one who wants to protect their identity need pay more.

[Mr. Clarke]

The essence of the scheme is clear; but, of course, there has been a political debate on that, too. The Opposition have changed their position consistently—or inconsistently—throughout their approach. If I may speak as a candid friend when looking at the Conservatives in the leadership election that they now face, I want to remind them that, on 14 December 2004, the shadow Cabinet decided to back ID cards, under the leadership of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), and he wrote in *The Daily Telegraph* setting out that approach.

On 20 December, the Tories voted in favour of ID cards on Second Reading. On Report and Third Reading, the majority of Tories MPs abstained, while some voted against the Bill in principle. That was a victory—perhaps not one repeated this evening—for the right hon. Member for Haltemprice and Howden (David Davis), who succeeded in changing the position of the parliamentary Conservative party on these questions. In the wash-up in April 2005, the Conservatives moved to outright opposition and killed the Bill. On 28 June 2005, when the Bill was reintroduced on Second Reading, they voted against it. I believe that that is a clear case of identity crisis for the Conservative party.—*[Interruption.]* Yes, it is, and I could go further, but I will not—

Mr. Garnier: On a point of order, Madam Deputy Speaker. We all enjoy a little bit of banter, but we are debating the Bill on Third Reading and no one should be hiding behind the bluster that we have heard. We have a very short time in which to discuss the Bill. I should be most grateful to the Home Secretary if he returned to the Bill.

Madam Deputy Speaker: The Home Secretary was certainly doing some recollecting, but I hope that he will now address his remarks to the Bill. There has been banter on both sides.

Mr. Clarke: I accept your injunction, Madam Deputy Speaker. I understand the sensitivity on the official Opposition Benches in the absence of the right hon. Member for Haltemprice and Howden—I wonder where he is.

I conclude by noting that the public debate on identity cards began more than three years ago. The Government have proceeded in a measured way through consultation on the principles and, most recently, on draft legislation. The Bill sets out a clear legal framework for the scheme. It provides a means for everyone legally resident in the UK to assert their right to be in the country and to help them gain access to the services to which they are entitled. It will help to preserve national security. It will assist the work of the law enforcement agencies and enable them to have the ID system they want.

I commend the Bill to the House.

9.30 pm

Mr. Garnier: I begin by agreeing with one thing that the Home Secretary said. I, too, offer my thanks to the Clerks of the House and others who made the apolitical aspects of the Bill altogether more manageable.

Where I depart from the Home Secretary is in the analysis of the Bill that he made during the 15 minutes that he occupied of this 45-minute debate. Indeed, is not there something rather obscene about a Home Secretary complaining about lack of time to debate his Bill because his Government have curtailed the time for debate? On Report, I pointed out that his Under-Secretary, with whom he is now conversing, was cut off in his prime in Committee. I believe that the Minister for Immigration, Citizenship and Nationality was also cut off during Report this evening. All those things would be welcome in some circumstances, but if the Government say that their own motions prevent them from debating their legislation, who are we to complain?

We need to be clear about the fact that during this debate the Government's majority was cut to 32 and 33, and I encourage all Members who are interested in democracy and civil liberties and who have read the Bill to vote with us this evening against the Third Reading. The Bill is economically illiterate and politically inept, and will prove socially divisive.

The Government began the whole sorry process by saying that the Bill would be valuable in the fight against terrorism; yet, to be fair to the Home Secretary—I am occasionally fair to him—on 8 July he said that identity cards would not have prevented the tube attacks on 7 July. We know that 9/11 would not have been prevented by identity cards. The people who committed those crimes had pilots' licences and passports. Those who committed the crimes on 7 July were perfectly happy to be filmed by the railway station closed circuit television. The problem was not hiding their identity, but hiding their intention—*[Interruption.]* I am glad to see that Members on the Treasury Bench find the subject so tremendously funny.

When the Government lost their first argument they said, "Oh, perhaps we'll try benefit fraud". However, we know that benefit fraud will not be dealt with by the possession of identity cards or by the information in the national identity register. Then they said, "Well, let's try immigration, that's bound to help". The Home Secretary is trying that again this evening, but the problem is that one does not have to register on the national identity register or hold an identity card if one is in the country for less than three months. When a person enters the country as a tourist, how are the Government to know that they have not remained beyond the permitted time?

There is the problem of the free travel area between the UK and the Irish Republic and the free travel area in the European Union. What will that do? Far from preventing immigration illegalities, it will exacerbate ethnic problems and cultural division in the UK. Do the Government want to give a free hand to the British National party? Anybody who thinks that is a good idea should vote for this sordid Government this evening.

The Government then said, and the Home Secretary repeated this evening, that the measure would deal with identity fraud. When the Bill began its passage in the summer, identity fraud cost the economy £50 million, but during the summer months the cost rose to £1.5 billion. I do not know why, and the Government have produced no evidence to support that fact. Indeed, we are having a Third Reading by assertion with an absence of proof. We cannot have legislation that is

created in this form or pushed through in such a way, and we cannot tolerate a Government who have absolutely no understanding of the constitution of this country.

The Government moved on to say that the scheme would prevent other forms of serious crime. As the hon. and learned Member for Medway (Mr. Marshall-Andrews) pointed out on Second Reading, no serious criminal will be too bothered about whether he is required to register for, or have, an identity card. The money would be far better spent on police officers, gaining intelligence about the activities of criminals and producing a proper border control police.

The Government have blustered and demanded that we agree with all their assertions, despite the lack of evidence to prove them. Eventually, they have ended up saying that it would be more convenient for us all if we had identity cards and information was stored away on the national identity register. If the Government want to see the population of this country wandering around with a form of barcode across our foreheads, or with a mark to allow us to come out of our houses, they are not the sort of Government whom this country needs. We should certainly not be promoting such a society.

The Bill is obscene and absurd and it will do nothing but damage the country's interests as a whole. It will do nothing to advance the causes that we all share: defeating terrorism; doing away with benefit fraud; and tightening up our immigration rules, which the Government have randomly let fall apart. Of course we want to deal with identity fraud and serious crime, but the Bill will not do that in its present form and would not have done that in its first form. It is a ridiculous and stupid Bill.

What will the scheme cost the citizen? All of us over the age of 16 will have to pay not only the £30 cost of buying the wretched card, but the travel costs of getting from the outer isles to the Glasgow centre at which one will be processed, as though one were in some gulag, or from rural parts of the country to other cities.

What will the scheme cost the country as a whole? We all know that the cost will be somewhere between £8 billion and £19 billion, but the Government say that the cost of a card will be only £30. The whole thing is utterly absurd, and the more one examines what the Secretary of State has to say, the more absurd it becomes and the more absurd the Government are.

Let us step aside from the practical arguments against the Bill and consider a matter of principle: the relationship between the citizen and state, about which the Government care little and know nothing. They have forgotten about constitutional history—if they knew anything about it—and the proper relationship between the Government, Parliament and the judiciary. All that is swept aside with great windy bluster from the Home Secretary and his junior Ministers. It is time for Parliament to stand up for what it is supposed to and to defend the liberties of the citizen, not to kowtow to this appalling Government and go down on bended knee and grovel as they pass more and more appalling legislation to destroy the rights of the citizen. It is no good for the Government to say that this is all exaggeration—just look at what they have done already and what they intend to do through this Bill and other legislation to eat into the liberties of the citizen.

This is a bad Bill from a sad Government. It is legislation by statutory instrument. The Government are providing 61 separate powers to enable the Home Secretary or his successor to produce secondary legislation. The Bill contains very little detail. It increases the penalty for misbehaviour. One could easily be fined up to £2,500 for what the Government politely call a "civil penalty", and if one does not pay that, off one goes to prison.

The Bill amounts to little more than a denial of democracy. The House should be ashamed of it, and I trust that all people of honour in the House will increase the Government's embarrassment by reducing their majority to way below 32—indeed, we should kill this Bill.

9.39 pm

Mr. Winnick: The Bill will undoubtedly receive its Third Reading, probably with a slightly greater majority than the hon. and learned Member for Harborough (Mr. Garnier) suggested, but it will pass without any enthusiasm whatsoever. It will pass because it is subject to a three-line Whip, understandably, but I do not think that it would get through, or that it would have received its Second Reading, on a free vote.

I have been opposed to ID cards from the very beginning. Although the hon. and learned Gentleman spoke with much passion, I must tell him that the only member of the Home Affairs Committee that studied the matter who voted against the original measure was me. Conservative Committee members voted for the Bill and only one Labour Committee member—myself—voted against it, as the record will show.

Moreover, if I was convinced that the measure would help to prevent terrorism, despite all the difficulties—the practical costs and so on—I would vote for it. If identity cards could prevent casualties such as those on 7 July when people died or were seriously injured—one woman, for example, survived but had to have both legs amputated above the knee—how could I say that I would vote on principle against identity cards? I am simply not persuaded, however, that identity cards would prevent terrorism in any way. There have been terrorist incidents in Istanbul and Madrid, but there is no evidence whatsoever that identity cards, albeit without biometrics, prevented terrorism in those countries.

The Government have given various reasons for introducing the measure, including the need to tackle identity fraud and illegal working. They gave the impression that identity cards would do the trick and those problems would be resolved. Countries that have identity cards, however, have the same problems. Hardly any of the problems that the Government say will be dealt with by identity cards fail to afflict countries that have long had identity cards. It is therefore difficult to understand the determination on the part of the Government and of senior Ministers to push the measure forward. I am convinced that in time the card will become compulsory. Moreover, it will be necessary to carry one at all times. I accept that that will not happen initially, but inevitably suspicions will be aroused among officials when they discover someone is not carrying their identity card.

In conclusion, I do not accept the scenario painted by the hon. Member for Stone (Mr. Cash) and others, who say that the Government are determined to bring about

[Mr. Winnick]

a "1984" state and have sinister motives. I believe that the Government are misguided but are acting with the best of motives, which I do not question, nor their integrity. I certainly question their judgment. I would like the Government to remain in office and to be re-elected in due course. They are a Government whom I support and for whose election I fought, like other Members, for 18 years in opposition. There is a danger, however, that they will give the impression that they take our traditional liberties lightly. Our opponents will use every opportunity to convey that impression to the country.

Labour Members must be very careful indeed when dealing with the threat of terrorism—I am the last person to underestimate that threat, even if 7 July had not happened—not to give the impression that everything dear and precious to us and for which we fought for so long over the centuries can be taken lightly because of dangers that confront the country. I believe passionately in civil liberties. I believe passionately that this party and this movement are committed to civil liberties, but the measure before us today does not do anything to strengthen that impression. It is not justified, hence I shall vote against it on Third Reading.

9.43 pm

Mr. Carmichael: When we subject today's proceedings to mature reflection we will realise that the House missed an opportunity earlier today when it failed to vote for the Bill's recommittal to a Special Standing Committee, as proposed by my hon. Friend the Member for Somerton and Frome (Mr. Heath). Despite the fact that this is the second time around for the measure and despite the Home Secretary's boasts that the Bill has received more scrutiny than has ever been the case with other legislation, an enormous number of questions remain. The House has still not addressed the practical issues surrounding the proposal. That is no accident. It is the result of the way in which the Government chose to present the Bill. The Minister for Immigration, Citizenship and Nationality has told us times without number that this is an enabling Bill. The Government have thereby allowed the House to postpone the hard questions until a later stage. The Minister may say, as he did today, that there will be 61 other occasions on which we will revisit the matter, but that ignores the manner in which secondary legislation is dealt with in the House.

I know what our constituents will say when they are faced with the prospect of paying for cards that they do not particularly want but which they must have. They will not be impressed if we say, "We could not ask those questions because it was an enabling Bill." That will result in the public's further public disengagement from the political and parliamentary processes.

I shall watch with interest the progress of the Bill in another place. During the summer the Minister of State was reported as saying that the so-called super-affirmative procedure was flawed and unworkable. He is right. He will know that I pointed that out to him in Standing Committee, yet no amendments were made today to clause 7. Will the Minister tell us when we can expect to see the appropriate amendments to make the super-affirmative procedure workable, or are we to be left guessing? Will that change be made in the Lords?

Like the Home Secretary, while preparing for today's debate I considered the speeches that were made on Second Reading, and I see little change. That is remarkably depressing. As the right hon. Member for Southampton, Itchen (Mr. Denham) observed in his contribution as Chairman of the Home Affairs Committee, the key points were made a year ago and still the Government have failed to act on them. The Home Secretary told us that we need the benefits derived from identity cards, but it will not be lost on the House that he did not go on to enumerate them.

Others have said in the course of today's debate that the Government are asking us to buy a pig in a poke. As one who has a farming background, I feel that that is an inappropriate metaphor. I have bought many pigs in my life, and if one is buying a pig in a poke, one might not know what it looks like, but at least one knows the cost. A more appropriate retail metaphor for the Government's action would be to say that they have reduced the role of Ministers in the Home Office to nothing more than that of snake oil salesmen.

"No-one who wants to protect their identity need pay more"—

does that not tell it all? The claims that Ministers make are overblown. They move glibly from one issue to another as each justification is demolished, and ultimately we know that the Bill will not work.

The Home Secretary rightly pointed out the number of positions taken by the official Opposition in relation to the Bill. I am delighted that they have finally arrived at the right one. It is a brave politician who is prepared to say that he or she has considered the matter and changed their mind. We should not denigrate the Conservatives for doing so. I merely remind the House of a speech that was made to the Labour party conference in 1995, when a delegate said:

"Instead of wasting hundreds of millions of pounds on compulsory ID cards as the Tory Right demand, let that money provide thousands more police officers on the beat in our local communities."

The tragedy of the Bill is that the Prime Minister's rhetoric in opposition has unfortunately been compromised by his actions in government.

9.49 pm

Martin Salter: This is not the first time that I have debated this issue in this place. During earlier exchanges, we heard a lot of fuss about the compulsory nature of this enabling Bill, which will become evident further down the road. I sat on the Standing Committee that examined almost exactly the same Bill in the last Parliament. At no point have the Government ever denied their intention to move towards compulsion in respect of ID cards. It is no secret, and hon. Members should not be surprised.

Indeed, it is difficult to see the point of a voluntary ID card system. What would it achieve? Do we have voluntary driving licences? Do we have voluntary passports? Do we have voluntary national insurance numbers? If one wants to travel, one needs a passport. If one wants to drive, one needs a driving licence. If one wants to work, one needs a national insurance number. The right to travel and the right to work are pretty fundamental rights. I have absolutely no problem—and all the surveys show that the British people have absolutely no problem—with the right to be a UK

resident being dependent on one's name and identity being on a national identity register. I do not get the argument that my civil liberties in a democracy would be in any way diminished by my, or my constituents, being required to say, "I am who I say I am."

There was a lot of hyperbole in some of the more ludicrous exchanges earlier. In an entertaining speech, the hon. Member for Westmorland and Lonsdale (Tim Farron) took us on a tour of the great Liberal hall of fame, which I should have thought was more of a hut. I agree that Lloyd George belongs in it, but let us have Norman Scott, Jeremy Thorpe and that dog in there as well.—*[Interruption.]* Yes, and Brian Sedgemore. *[Interruption.]*

Madam Deputy Speaker: Order. The House should come to order. I call Martin Salter, on the Third Reading of the Bill.

Martin Salter: I apologise, Madam Deputy Speaker, for chiding the Liberal Democrats a little.

We voluntarily hand over a huge amount of information in our ordinary lives—in supermarkets, in chemists, through our mobile phone calls, and through the CCTV cameras that many Members who oppose ID cards are happy to campaign for in their constituencies. An awful lot of people, most of them unelected, know who we are, what we buy, why we buy it and when we buy it. We are targeted with direct mailshots as a result of using our credit and debit cards. It is a fact of life that it is difficult to remain anonymous any more.

In addition to the civil liberties objections—*[Interruption.]* Given the amount of heckling one would question the Opposition's commitment to civil liberties. In addition to civil liberties objections, hon. Members raised several others, some of which the Government have dealt with. The first of those—it was a serious mistake on the part of the Government to let it run—was that of cost. Some fantasy figures were bandied about, especially from last June's London School of Economics report. No evidence was provided for the claim that an ID card will eventually cost UK citizens—my constituents—£300. I am pleased that the Home Secretary has put that particular genie back into the lamp. A capped cost of £30 is a commitment made in this House that is worth keeping.

We heard that ID cards will not work. The other day I read some material from those opposed to ID cards saying that the biometric technology is not in place and that it will not register people with brown eyes. At the invitation of my hon. Friends at the Home Office, I took the trouble to visit it to see biometric technology in operation. I was surprised at how easy it was to have one's biometrics registered; the whole process took less than five minutes. It is interesting that the UK, in common with other legislatures in modern, liberal democracies, is now introducing biometric passports—*[Interruption.]*

Madam Deputy Speaker: Order. Private conversation is getting far too loud.

Martin Salter: The UK is introducing biometric passports to help fight passport fraud and forgery, to help the public and the UK to fight identity fraud, to ensure that the British passport remains one of the most secure and respected in the world, to facilitate more robust border control, to fulfil international standards that the International Civil Aviation Organisation has set and to ensure that British citizens can continue to benefit from visa-free travel to the United States. No one could have a principled objection to that. We are embracing technology that already exists.

I support identity cards. I campaigned for them before they became trendy and fashionable. I firmly believe that ID cards have a role to play in 21st century Britain. That is why most liberal democracies in the European Union have embraced the concept. Identity cards will disrupt the use of false and multiple identities by organised criminals and those involved in terrorist activity. They have a role to play in tackling illegal working and immigration abuse. They will enable easier and more convenient access to public services and ensure that they are used only by those who are entitled to them. They will help to protect the British people from identity fraud and theft.

We live in a less secure and more dangerous world. The modern, biometric identity card is an idea whose time has come. I urge my colleagues to support Third Reading.

9.55 pm

Stewart Hosie: On Second Reading, the Government failed miserably to argue for the five stated justifications for the measure. They failed to convince the electorate through the press during the summer and, notwithstanding the truncated nature of today's debate, they barely touched on the five stated justifications, which are: to tackle terrorism; to fight crime; to cover access to public services; to prohibit unauthorised working, and to enhance immigration control.

The key unanswered question is about terrorists who currently come here with fake, forged or stolen identities that are sufficiently robust for them to be allowed access. If they come here in future, such robust false identities will be turned into genuine ones by the allocation of an identity card or other parts of the documentation in the ID suite.The terrorist networks will be disrupted and smashed by additional funding for intelligence, not identity cards in the pockets, purses and wallets of innocent citizens in the UK.

Let us consider general crime prevention. Not one hon. Member believes that an identity card will stop a single criminal or deter a single crime unless the Government intend the cards to be mandatory and the police can stop, question and ask to see the card of someone who behaves suspiciously. As I said on Second Reading, the police already have the power to stop someone if they have a reasonable ground for believing that that person is about to commit a crime. If the Government were serious about tackling crime, there would not be plastic cards but thousands of extra police on the streets, protecting normal people from normal crimes in normal communities. That has never been rebutted.

On identity theft, the Home Secretary repeated tonight that the cost of identity theft was £1.3 billion.

[Stewart Hosie]

That is the big myth. As *The Economist* said, the figure includes

"the cost of dealing with immigrants who arrive in Britain with false documents."

The introduction of identity cards will not stop one person coming in with false papers or save one penny. According to *The Economist*, the real cost of fraudulent applications and hijacked accounts is only £36.9 million. The Bill is a massive and disproportionate response to that problem.

Time is short and I shall therefore skip many points—[HON. MEMBERS: "Hooray."]—but not all of them. The Government have failed to argue the case for how they will stop unauthorised working. The gangmasters will flout the rule. Are Ministers expecting every berry field, cockle field and potato farm to have a biometric scanner in the buckie when the casual labour arrives? That is nonsense; it will not happen.

I said on Second Reading that the Bill was a bad measure, which would make bad law. A Labour Member said that many Labour Members would rue the day they voted for the measure. They will.

9.59 pm

Dr. Palmer: In the one minute remaining, I would like to celebrate the fact that the Bill is finally introducing the provisions of the private Member's Bill that I introduced five years ago. The Government would have saved a lot of time if they had accepted that Bill.

The British people see the common sense of this Bill. They welcome it because they can see that it will make ordinary people safer, and they cannot see why the Opposition are against it.

It being Ten o'clock, MADAM DEPUTY SPEAKER, *put the Question already proposed from the Chair, pursuant to Order [this day].*

The House divided: Ayes 309, Noes 284.

Division No. 60] **[10.00 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona

McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Kan
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Frank Roy and
Mr. Vernon Coaker

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm

Mullholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Opik, Lembit
Osborne, Mr. George
Owen, Albert
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Geraldine
Smith, John
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Younger-Ross, Richard

Tellers for the Noes:
Mr. David Evennett and
Mr. Henry Bellingham

Question accordingly agreed to.

Bill read the Third time, and passed.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No.119(9)(European Standing Committees),

Marketing of Foods Derived from Genetically Modified Maize

That this House takes note of the unnumbered Explanatory Memorandum dated 15th July 2005, submitted by the Food Standards Agency, relating to the Draft Council Decision authorising the placing on the market of foods and food ingredients derived from genetically modified Roundup Ready maize line GA21; and supports the Government's view that products derived from this maize meet the necessary requirements for authorisation under Regulation No. 258/97. —*[Mr. Alan Campbell.]*

Madam Deputy Speaker (Sylvia Heal): I think the Ayes have it.

Hon. Members: No.

Mr. Patrick McLoughlin (West Derbyshire): On a point of order, Madam Deputy Speaker. This provision was debated yesterday in Committee. If nobody in that Committee objected to it then, why are some Members now objecting to it on the Floor of the House? *[Interruption.]*

Madam Deputy Speaker: Order. *[Interruption.]* I am responding to the point of order. It is entirely up to the House if it wishes to pass an opinion. I shall take the voices once again.

Hon. Members: No.

Division deferred till Wednesday 19 October, pursuant to Order [7 November 2000].

PETITIONS

Isitfair Council Tax Campaign

10.17 pm

Mr. Desmond Swayne (New Forest, West) (Con): It is my privilege to present the petition of Mr. Johnson, my constituent from Barton-on-sea, consisting of 210 signatures, on behalf of the Isitfair council tax campaign. The residents of Barton-on-sea are understandably incensed at the exponential increase in council tax over recent years that has taken no cognisance of their ability to pay.

The petition states:

The Petitioners request that this Honourable House do vote to replace the council tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographically or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

10.19 pm

Bob Russell (Colchester) (LD): I rise to present a public petition on behalf of my constituent Mr. Tony Constable, who is a doughty campaigner on behalf of the Colchester pensioners action group, and who in January of this year presented a petition on the council tax to the Committee on Petitions at the European Parliament in Brussels. His latest attempt on behalf of senior citizens consisted of spending one hour outside the Co-op store in Colchester last week, and he secured signatures at the rate of one every 30 seconds. The petition states:

The petition of the Isitfair Council Tax protest campaign

Declares that the year on year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Ministry of Defence Procurement

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

10.21 pm

Mr. Lindsay Hoyle (Chorley) (Lab): I believe that this is an important debate about procurement and about its effects if we do not get it right. I shall touch on many issues, but I start with Royal Ordnance, which is based all over the country, though I am particularly concerned with the Chorley site. Royal Ordnance at Chorley still employs 200 people, so it is an important employer. It produces initiators. It is the only site within the BAE Systems umbrella that can produce initiators, which means that security of supply would be put at risk if the Chorley site were closed.

I am very concerned that BAE Systems and Royal Ordnance seem to think that there will be an alternative. We know that they have shopped around in Singapore and sought to find out who could supply initiators if they were not produced at Chorley. I assure everyone that we should not put at risk our supply to the armed forces. It is a major risk, particularly in times of crisis and when we are committed all over the world. The one thing that the troops require is ammunition that can be trusted. Our ammunition can be trusted because it is produced thoroughly by RO from start to finish. We should not allow BAE or RO to weasel their way out of commitment to the Chorley site.

Yes, there has been a problem with production at the Chorley site and, tragically, someone lost their life on that facility. I would not like to think that someone had lost their life in vain. BAE must look at the line again, put in the necessary investment and ensure that it is safe. I do not want it to take the easy option of closing the facility down. We should put the investment in and ensure that the commitment signed with the Government to ensure the supply of ammunition continues. That means using Chorley. We should not let BAE off the hook. BAE would be the first to complain to MPs if the Government were to renege on an order. So when it is the other way round, we should not let BAE renege on its agreement regarding Royal Ordnance.

Aerospace is another important subject. Much is said and made of the joint strike fighter, but there is a big worry about it. We know that the Americans are still holding back and the international traffic in arms regulations waiver is still in place. The Americans are still not fully committed to letting the technology come through to us. The other problem is that we need to see final assembly of the jets that we are to order and we need to secure those jobs. Some of the highest skills in the country are based in Lancashire. All that could be put at risk because we cannot get the agreement of the Americans. Well, if there is a special relationship out there, it is time that the Prime Minister used it. We should be securing those jobs in Lancashire by getting what we need.

Another company called CSC Computer Sciences employs many people in Chorley, delivering high-tech services for BAE Systems. There is talk about a new company, Alfred McAlpine Business Systems, and I am worried. A long-established iink between BAE and CSC has delivered the systems that ensure that nuclear

[Mr. Lindsay Hoyle]

submarines sail safely. All that could be put at risk and we must think about using untried and untested companies that do not have a background in what we are asking for.

John Smith (Vale of Glamorgan) (Lab): I am listening with great interest to the procurement issues that my hon. Friend raises, all of which relate to that excellent company BAE Systems. Does he share my concern that there is a risk that that company may be over-committing itself to work, especially in debt support of fast jets—attack jets in particular—in this country, and that that could impact on some of the other businesses to which he refers?

Mr. Hoyle: Quite rightly my hon. Friend is standing up for the workers at St. Athan, where there is a highly skilled work force and a great background in servicing jets. The MOD must ensure that work goes to that factory as well and that we do not lose this country's skills.

There is a worry about Alfred McAlpine Business Systems and about the software, and we must not allow anybody to tender for work without a proven track record. That brings me to the subject of the Army uniforms with which the MOD decided they wanted to be supplied.

A company called Cooneen, Watts and Stone tendered for the contract, and a so-called company in Belgium was meant to be supplying. However, behind all the smoke and mirrors was a state-owned and, no doubt, subsidised factory in China. We have ended up sending work from this country to China, which has meant jobs being lost in Lancashire. A factory in the constituency of the Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for Blackburn (Mr. Straw), has closed; that is how bad it has got.

The Prime Minister was questioned on this matter. I understand that he is briefed, that he does not know everything and that he answers on the basis of what he is told. He was told, "Do not worry, this will not only protect jobs in Northern Ireland but increase them." That is not the case; there are fewer jobs now than before the company got the contract. That was another red herring and we were all hoodwinked once more.

I am worried about my constituents at the Pincroft factory in Adlington, which has a great reputation for bleaching and dyeing and producing these uniforms, which they have done for many years. The camouflage is good enough to be used around the world, but it is not good enough for here. As usual, we have penny-wise and pound-foolish policies. It is meant to be about saving money, but it is not.

Mike Penning (Hemel Hempstead) (Con): I congratulate the hon. Gentleman on procuring the debate this evening. *[Interruption.]* I am sorry that the Liberal Democrats are laughing, because it is important that our armed forces have the right equipment. If we do not have the necessary supply chains for getting the best possible equipment to our armed forces, jobs will be lost in our constituencies. If the Chancellor of the Exchequer does not make money available to buy the right equipment for our armed forces personnel, they will buy their own equipment. The Minister will know that all too many members of the armed forces buy equipment because they are not given equipment that is good enough. It is not right that—

Madam Deputy Speaker (Sylvia Heal): Order. Interventions should be brief.

Mr. Hoyle: The hon. Gentleman is right. He raises a question that is asked by our armed forces. They are worried about their equipment, and we should not allow that to happen. We should ensure that they have the right equipment for the job that we expect them to do. Instead of trying to shave a few pennies off the cost, we should give them the right gear in the first place.

As my right hon. Friend the Minister can see, I am holding up a camouflage jacket made in China. The problem is not that he can see it, although it is meant to be camouflage; it is that this piece of combat uniform has 19 faults. That may be hard to believe, but it is what we expect our service personnel to put up with

I shall list some of the jackets faults. The waist channel, front and neck, is 41 cm when it should be 42 cm. The front length is 78.5 cm, and it should be 80 cm. The usable zip length is wrong, and the back length, collar to waist, is not accurate. The distance between the breast pockets and the collar is wrong, and the back measurement is wrong. The front edge and front bottom of the hip pocket are both inaccurately cut. The hip flaps and the front zip pockets are wrong too, and the left storm guard is not fused. Why are our armed forces supposed to put up with that? We all know that the last thing a soldier on active service needs is to get wet.

It gets worse. The Pincroft factory in Adlington is now having to make the one-off, special garments, that cannot be made in China. However, it was told that the infra-red capability of its products—vital for camouflage purposes—did not meet Ministry of Defence standards. If the factory in my constituency was to blame for the errors, I would be the first to say that it was not good enough to do the job, but eventually it turned out that the Ministry had not been applying the right test. That means that the infra-red capability produced in Chorley was right—as the factory always insisted that it was, in the face of the Ministry's claims to the contrary.

The problem was that the Ministry had used a back plate for the tests that was black instead of white. Given that that was the case, and that the same test was applied to the uniforms produced in China, does that mean that all the Chinese uniforms are wrong, and that they might put our troops at risk? That is the question, and it is a very serious matter. Was the wrong test applied to the Chinese-made uniforms, or were they not tested at all? After all, irrespective of the deficiencies in the uniforms' infra-red capability, the jacket that I have demonstrated to the House still has 19 faults of other kinds.

What comes next? I can tell the House that soldiers are telephoning the Pincroft factory and asking for special garments to be made for them. They claim that the dye in the uniforms provided has a tendency to get

washed out. That is very serious, but how have we allowed the problem to arise? What real savings have been made? I do not think that there any, but I know that we have got ourselves in a mess.

Mr. David Crausby (Bolton, North-East) (Lab): Is it not ironic that the Americans refused to give us the ITAR waiver in order to protect American jobs at the same time as we were prepared to give away good Lancashire jobs to China?

Mr. Hoyle: Absolutely. It is daft. We are giving jobs to China yet Peter Mandelson the commissioner is asking why we are allowing all these textiles in from China and saying that we have to put some barriers up and that we are going to reduce the amount coming in from China next year. At the same time, we are putting contracts for the making of uniforms out there. I agree with my hon. Friend.

The worry is that we are getting uniforms with faults on them. There are worries about the safety of our soldiers. Why are we doing it? Why are we putting soldiers at risk? Why do we not stop the order now and have a full investigation? Let us put the jobs where they belong—where the taxpayer expects; back in this country supporting the textile workers in Lancashire. Let us have enough of this nonsense. Let us do something about it. Let us have an end to the Chinese market and the Chinese takeaway in this country.

10.36 pm

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I congratulate my hon. Friend the Member for Chorley (Mr. Hoyle) on securing the debate and providing me with the opportunity to speak on these important issues. My hon. Friend has raised four issues—the future of supply for initiators at BAE systems Chorley, the cut and sewn contract, the joint strikefighter programme and the issue of Alfred McAlpine business systems. I will try to respond to them in the time available.

It is critical that our armed forces receive the equipment that they need to do the jobs that we ask of them. Our service personnel are among the best equipped in the world and the measures and programmes that the Government have put in place will ensure that they remain so in future. I do not have time to go into every procurement in which we are currently engaged, but it is exceptional compared with previous years—the largest sustained shipbuilding programme for a generation, massive investment in the Air Force and massive investment in land systems. But getting the procurement process right is of course fundamental, not only to the delivery of enhanced military capability on time but to securing best value for the taxpayer. That is why we are devoting so much effort to ensuring that Smart procurement works. We recognise that there is more to do in this respect, but we are nevertheless confident that we are making good progress. We are confident, too, that the defence industrial strategy, which I will touch on later, will help industry understand our requirements better when it is launched later this year.

My hon. Friend's concern is the future of the BAE Systems Land Systems site at Chorley in his constituency, I am aware of the present difficulties at this site, following an industrial accident in March this year, which tragically resulted in the death of a production worker. Chorley's main output are initiators, or fuses, for various types of munitions. Since the accident, production at Chorley has been suspended pending a Health and Safety Executive investigation.

Clearly, the Health and Safety Executive's report will have implications for future operations at the site. This is, however, first and foremost a matter for the company. It is BAE Systems' responsibility to maintain the supply of initiators to the MOD in the interim, and we are confident in its ability to do so. It is meeting that requirement at present.

Mr. Hoyle: It is fair to say that a mixture of explosives has to be used up because it is too volatile to be moved. So the company will have to run down what is on site. The agreement was that the material would be supplied from this country and from within BAE Systems sites, and that is what the MOD is trying to get out of.

Mr. Ingram: I was coming on to that. Obviously, the MOD's interest is in securing long-term security of supply. My hon. Friend is absolutely right on that. It may be helpful if I set out our policy in this area.

The significance of the munitions strategic supply position was underlined when the framework partnering agreement—the FPA—was signed in December 1999 between the MOD and RO Defence, which now trades as BAE Systems Land Systems. The FPA covers the majority of the MOD general munitions range, including initiators, and is due to expire in March 2010.

The FPA provided a significant step toward achieving a sustainable UK source for general munitions supply and is projected to exceed the financial targets envisaged. Obviously, we are looking to build on that success. Because of that success, we have also recently underpinned our partnership with BAE Systems in the munitions field, through the signing of a new set of partnering principles. That provides a demonstration of commitment to a long-term objective for munitions provision.

At the same time, we are examining the supply of munitions provision beyond 2010 through project MASS—or munitions acquisition, the supply solution. The general munitions position will form one element of the wider defence industrial strategy. The DIS is a logical development of the defence industrial policy, which we set out in 2002, and is aimed at ensuring that the capability requirements of the armed forces can be met now and in the future. Conclusions on the DIS will be reached by the end of this calendar year. Industry continues to be involved in that work and, of course, the trade unions are also heavily engaged in the discussions.

I have given the background to the situation and I hope that it serves to indicate the seriousness with which the Government view strategic defence industrial issues in general, and munitions supply issues in particular. We are conscious of the need for security of supply in munitions, and we also recognise that we need to get to grips with the range of systems and equipment delivered by British industry. We need to examine what is achievable in terms of the retention of key industries. That will take time. We will need to talk to industry and it will not be an easy process. We will wait and see how that plays out, but the process is consistent with the views expressed by my hon. Friend.

[Mr. Ingram]

My hon. Friend referred to the possible closure of the Chorley site, and we are aware that the company is considering options for various parts of its business. My officials have engaged with the company on that, to ensure that its plans are compatible with our needs. It is a matter for the company, but it has to ensure that it meets the agreement laid down in 1999 and the new set of partnering principles. My hon. Friend will recognise that I cannot comment on those discussions in this forum, nor speculate on future outcomes, not least because they are fundamentally commercial matters for the company itself.

My hon. Friend also raised the question of the cut and sewn contract. He knows very well the background to the contract award. Indeed, from what he said tonight, he obviously has a detailed knowledge of it. He correctly pointed out the extensive correspondence and communication between the previous Secretary of State and me, including meetings with the trade unions, hon. Members and representatives of industry to hear their concerns. As a result, we reviewed the cut and sewn garments contract earlier this year. We examined the process used for the procurement, the outcome of tender evaluation and the decision taken. We also revisited the capability of the winning contractor, Cooneen, Watts and Stone. At the end of that exhaustive process, we concluded that there was no reason to alter the original decision. I want to make it clear—as we have done on previous occasions—that the contract was let after a fair and open competition against published criteria. Cooneen, Watts and Stone was the clear winner against those criteria.

Under the five-year contract, Cooneen, Watts and Stone will supply the MOD with up to 2 million individual items of clothing a year. The contract will gradually replace some 60 individual contracts for clothing supply and will save the taxpayer £23 million over the contract life, by comparison to previous arrangements. Subcontract opportunities exist for previous suppliers to present themselves competitively to the prime contractor over the life of the five-year contract.

Having examined the matter, I genuinely believe that the contract is an excellent example of how the MOD is making procurement smarter and better. We have taken away a complicated supply chain and put in place a straightforward contract under which subcontractors can bid, and have made a significant £23 million saving. We are determined that our armed forces should have the best clothing appropriate for the extreme environments in which they may be asked to serve and the demanding nature of the tasks they undertake.

Again, having examined the issue, we are confident that Cooneen, Watts and Stone can meet those demands, while providing good value for money to the taxpayer. That confidence has been recently reinforced by the results of the first annual contract review. Savings in excess of £1 million have been made to date, and those savings are in addition to the £23 million in savings already secured by comparison with previous arrangements. Cost and quality targets are being achieved and exceeded. The bulk fabric was tested by a UK accredited laboratory ahead of the main production run and conformed to the required specification. Finished garments have also been randomly tested by a UK accredited laboratory.

Clearly, I will take on board the points made by my hon. Friend the Member for Chorley. If he had cared to write to us before the debate, we could have had answers for the debate this evening. I have no problem about saying that the equipment is the best in the world. I could hardly see the jacket against the green Benches—that shows how good the camouflage is—but I take the point that, if serious imperfections have been brought to his attention, I am duty bound to investigate them.

We have received no complaints from units. As I have said before at the Dispatch Box, I am fortunate that I am one of those people who probably meet more serving members of the armed forces than any other hon. Member, given the way I get round our estate and meet our people. The issue has never been raised with me, and the members of the armed forces do not hold back: they tell me what they think, and they have not told me about this. That does not mean that there is no problem, but it has not been brought to my attention until this evening.

I am also aware of my hon. Friend's concerns about the overseas element of the contract. As I have said before in the House, the idea that there was a sole British manufacturer seeking to place all its output in the UK sector is simply wrong. Countries that appeared on the list of bidding companies included Ukraine, Bulgaria, Romania, Sri Lanka, Dubai, as well as China. UK companies are free to trade with Chinese companies. I do not know whether he is arguing for an embargo on trade with China.

Mr. Hoyle: Of course, there is a worry about China—the Chinese are being given intelligence about the design of the camouflage because they are printing it—but the bigger question is that a state factory is being used and subsidies are being applied so that it can win work. My worry is that the competition is not fair.

Mr. Ingram: I mentioned other countries—Ukraine, Bulgaria, Romania and Sri Lanka. We check out the quality of the factories that supply the camouflage, and we ensure that it meets high standards. The idea that China is somehow the sweatshop of the world is not accurate in terms of the quality of the work that it does and the way in which its economy is growing dramatically. My hon. Friend may think that we should simply cease trading with China; I do not think that is realistic. All companies in the UK are free to trade with Chinese companies. Moreover, the UK is not alone in sourcing its military clothing from abroad. Germany, Spain, the Netherlands and Denmark, to name but four of them, all procure clothing made in other countries. However, as I say, I will take on board the points that have been made about quality and investigate them further.

Turning to the joint combat aircraft, I am pleased to say that the joint strike fighter programme is progressing to plan, and we are confident that the joint strike fighter will meet the UK's joint combat aircraft requirements. The new aircraft will be a sophisticated, stealthy and multi-role aircraft that will provide UK

forces with a significant step up in military capability. When embarked upon our new aircraft carriers, the JCA will be the key element of a more versatile and capable carrier force. That represents a significant opportunity for UK defence companies and the UK aerospace industry. Clearly, there are still issues to resolve in respect of the ITAR waiver. Intensive lobbying goes on, and we make the point time and again—we will not cease to do so—that there are huge opportunities for British industry on the back of the contract.

The final point that my hon. Friend made related to Alfred McAlpine Business Systems. He is correct to say that that company does not currently deliver IT systems for submarines. Any decision to change suppliers would be a matter for the prime contractor, BAE Systems submarines. The management of subcontractors is principally the responsibility of the prime contractor, who is selected on the basis of technical competence and ability to manage the supply chain in accordance with the MOD requirements of governance and probity.

I am aware that Alfred McAlpine Business Systems is currently undergoing security accreditation checks to enable it operate as a subcontractor on MOD contracts. It would be inappropriate therefore to comment further on that point, other than to say that the more British-based companies we can encourage into the supply chain, the better. We should be encouraging more start-up companies, growth companies and competition, but the key issue is that they must undertake robust accreditation processes, satisfy the governance aspects of that approach and show probity in going about their business.

Mr. Hoyle: My hon. Friend seems to be saying that the more we can encourage companies to put tenders in and the more we have supplying us, the better. That flies in the face of what we did on uniforms, where we wanted to reduce the number of suppliers.

Mr. Ingram: No, we did not want to reduce the number of suppliers. We wanted to change the way in which the supply chain was managed. The number of suppliers, depending on how many subcontractors tender, is a matter for the prime contractor. We do not regulate the supply chain in that sense.

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned accordingly at 10.51 pm.

Mr Speaker's Ruling (Quoting Same Day Speeches)

The following Private Ruling given by Mr. Speaker is published in accordance with Mr. Speaker's statement of 5 November 1981.—[Official Report, c. 113.]

From Monday 17 October, a *Hansard* record of proceedings will be available on the House of Commons website on the same day. In the normal course of events, the text of the *Official Report* for the early part of a debate lasting a full day will be available on the website while the debate is still going on.

"Erskine May", "Parliamentary Practice", 23rd edition, page 260, records:

"It is not in order for a Member to obtain or quote during a current sitting the record made for the *Official Report* of the remarks of any other Member".

I have tried to establish the origins of the rule, which is based on rulings by my predecessors. The main justification appears to be that it would be wrong to argue about what was said until an authoritative published text was available. There is no rule, for example, that a Member's remarks on the first day of a two-day debate should not be quoted on a subsequent day.

In the light of the availability to Members of an authoritative text of speeches made on the same day, I now rule that the current practice set out in "May" should be disregarded where a Member is quoting from published material remarks made in the House on the same day.

The practice that, apart from the Speaker, only the Member concerned has a right to see the text of their speech before publication will not be affected.

House of Commons

Wednesday 19 October 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

OFFICE OF THE DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Building Regulations

1. **Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): What factors were considered in the decision to limit the revised part L of the building regulations so that only extensions to a commercial building over 1,000 sq m require consequential work upon the original building in order to minimise its overall carbon footprint. [19109]

The Minister for Housing and Planning (Yvette Cooper): Part L of the building regulations covers improvements to new buildings. It will lead to savings of 1 million tonnes of carbon and also includes the measure from the European directive on buildings above 1,000 sq m. Existing buildings will be covered by the new review we have set up, which will consult stakeholders next year.

Sir Robert Smith: I thank the Minister for her answer, but what she has not told us is why the Government chose to water down the proposals that they originally put out for consultation, under which the savings would clearly have been far greater. Will she explain why the proposals were watered down and why the announcement was made in the middle of the recess and not while the House was sitting, so that questions could be asked at the time? If the Government do not address the issue of existing housing stock, we shall not be able to reach our targets of tackling global warming through carbon emissions.

Yvette Cooper: I welcome the hon. Gentleman's interest in climate change. I notice that his entry in the Register of Members' Interests includes Shell, Texaco and Rio Tinto. He raised an important point about the timing of the announcement. I wrote to the Chair of the Select Committee to apologise for making the announcement over the summer, but we thought it important to introduce the details about the part L regulations because the building industry has to implement them from April of next year and needs time to prepare.

The hon. Gentleman made a wider point about the impact on existing buildings and about other measures. The overall impact of the changes is a 40 per cent. improvement in the energy efficiency of new buildings, which is equivalent to emission savings on about 1 million semi-detached homes. That is a big impact and it should be welcomed. It is right that we should go further and we are looking into a wider review of existing buildings as a whole range of measures need to be taken into account—not just regulations, but incentives and issues such as home information packs.

David Taylor (North-West Leicestershire) (Lab/Co-op): The Minister will recall that I wrote to her on behalf of the British Flue and Chimney Manufacturers Association and a member firm in my constituency about the proposed part L building regulations, as they are based on a house model with neither flue nor chimney. Does she agree that there will be health, aesthetic and economic problems if we do not amend the regulations and that we risk seeing the slow death of the British chimney and the hundreds of jobs that are based on it in constituencies such as mine?

Yvette Cooper: My hon. Friend has written to me and I have looked into the issues he raised and written back to him extensively. He will know that the building regulations do not make it impossible to have chimneys in buildings, but they set stretching standards. We must recognise both the impact of households on energy emissions and our responsibility to future generations to make improvements in that area. I hope that the chimney industry will respond to that challenge.

Mr. Philip Hollobone (Kettering) (Con): Does the Minister agree that as a nation we should be trying to move towards zero emissions from new build? Given the hundreds of thousands of new houses planned by her Department, tens of thousands of which will be in the Kettering constituency, is not the issue even more important than it was before the general election?

Yvette Cooper: The hon. Gentleman is right to say that we need to make improvements, and those that we have set in train with the part L revisions are substantial and stretching. We shall also be introducing a new code for sustainable development, which will be published before the end of the year. He may be interested to know that, as a result of those improvements, current plans for 1.1 million new homes across the wider south-east, as part of the sustainable communities plan, can actually be introduced with 23 per cent. fewer emissions than the previous Government's plan for 900,000 new homes.

"Improving Services, Improving Lives"

2. **Mr. Shahid Malik** (Dewsbury) (Lab): If he will make a statement on the social exclusion unit's interim report "Improving Services, Improving Lives". [19110]

The Minister of Communities and Local Government (Mr. David Miliband): The interim report from the social exclusion unit explores public service provision for disadvantaged people. It is the first of an important

series of SEU reports looking at how to ensure that public services, and public service reform, benefit everyone and promote social justice.

Mr. Malik: May I take this opportunity to congratulate the Deputy Prime Minister, his ministerial team and the social exclusion unit on an excellent report? Does the Minister agree that as Departments have seen record investment, that no longer remains the main challenge? Departments are still perceived as working in silos, so what reassurance can my right hon. Friend offer me that the concept of cross-departmental or joined-up working is being implemented on the ground to maximise impact in the fight against poverty and disadvantage?

Mr. Miliband: My hon. Friend makes a good point. To build on the 2 million more people in work, the 700,000 children taken out of poverty and the 75 per cent. cut in the number of rough sleepers, it is right that we look at the way government works. As it happens, I have an example from my hon. Friend's constituency, which I am sure will be of interest to the whole House because of its implications for national policy. The Ravensthorpe neighbourhood management initiative brings together police, probation, the Court Service and business to help tackle drug and related problems.

Tony Baldry (Banbury) (Con): Is it not somewhat hollow for the Minister to talk about social inclusion while his Department is cutting the supporting people budget? I hope that he has read the Audit Commission's report, which, at best, shows that for every two steps forward the Government are taking three steps back. People in Oxfordshire find that reference to social inclusion really hollow when, in practical terms, that budget is being slashed and there are cuts in their services and those for people with mental health problems and learning difficulties.

Mr. Miliband: What does ring hollow is the Conservative party, which went into the last election pledging to slash the budgets for such initiatives—*[Interruption.]* If the hon. Member for Brentwood and Ongar (Mr. Pickles) will contain himself, I will answer the question. My hon. Friend the Minister for Local Government met Oxfordshire MPs recently to discuss that issue. The hon. Gentleman will also know that the Audit Commission report congratulates the Government on the success of the supporting people programme. I hope that he will bear that in mind when rendering the House with the benefit of his views.

Alistair Burt (North-East Bedfordshire) (Con): Social exclusion concerns us all. If the Government's good intentions were translated into their statistics, it would presumably no longer exist. However, as the Government's rather aggressive "respect" agenda identifies, social problems are still deeply rooted in our most disadvantaged communities and the gap between rich and poor continues to widen in Labour Britain. Why does the Minister think that is so? Is he worried about it?

Mr. Miliband: As a matter of fact, the growth of income inequality has been arrested in this country over the past eight years, in contrast to every other advanced western industrialised country—*[Interruption.]* I am happy to write to the hon. Gentleman to give him the statistics on income inequality. As for the position in our most disadvantaged areas—I know that he has taken a long-standing interest in this—I think that he will agree that we should both be pleased about the fact that employment and education have improved faster than the national average in the 88 most deprived parts of the country.

Pension Regulations

3. **Mr. Mark Harper** (Forest of Dean) (Con): If he will make a statement on progress with the consultation resulting from the Local Government Pension Scheme (Amendment) Regulations 2005. [19111]

The Minister for Local Government (Mr. Phil Woolas): Good progress is being made by local authority employers and trades unions, within the framework of the local government pension scheme tripartite committee, to determine what further amendments are necessary to the scheme by April 2006 to ensure its ongoing affordability and viability in light of the statement of 13 July. A further meeting of the tripartite committee is scheduled for 2 November.

Mr. Harper: Council tax payers in my constituency are likely to face a 3 per cent. rise in their council tax bills next year just to pay for the pension hole caused by the Government's weakness in the face of union pressure. Could the Minister give me an explanation that my constituents would find comforting as they write out the cheque?

Mr. Woolas: If the hon. Gentleman were to read the statement of 13 July, he would see that it makes it clear that the Government have proposed to the tripartite committee abolishing the 85-year rule by April next year, and talks are taking place on how we can implement that. Far from caving in, the viability of the local government pension is a priority for us. I have to say that if it had not been for the decisions taken more than 10 years ago by the previous Government, we would not be in this situation.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): In the consultation on the pension scheme, will the Minister give thought to boosting the number of people over 65 who work if they so desire? There would be great benefits to industry if the Government ceased requiring employers to pay national insurance contributions for employees over 65. That initiative would help individuals, help employers and help the country in general. It would be a win, win, win situation.

Mr. Woolas: I thank my right hon. Friend, who makes a very interesting point. The discussions are taking place precisely to modernise the scheme, which the unions and the employers are asking us to do. Let me use this opportunity to clarify the fact that the local

government pension scheme already has a retirement age of 65, as he knows, contrary to some of the reports and reactions in this morning's newspapers.

Mrs. Caroline Spelman (Meriden) (Con): We read the statement of 13 July from the Office of the Deputy Prime Minister very carefully, and it states that changes to the pension scheme need

"to ensure that schemes remain solvent, without additional calls on employers' contributions".

However, is it not the case that yesterday's announcement fails that criterion and is simply a compromise bought on credit and paid for with more council tax?

Mr. Woolas: I understand the hon. Lady's point and I know that she has tabled several questions about the matter. However, I must emphasise that the local government pension scheme is a funded scheme. It was not part of the discussions that took place yesterday, and previously, on other public service pension schemes. Those schemes are not funded and applying principles from one type of scheme to the other leads to a misunderstanding of their nature.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): There is a feeling among some local government employees that although there must be changes to the pension scheme generally—that applies to schemes for all public sector workers—they are being asked to make changes more quickly than other public sector workers, to pay bigger contributions and to accept worse terms and conditions. I was interested in the agreement reached the other day by the Government with the civil service, education and health unions on a statement of principles on which all could work. Despite the different nature of the local government funds, would it be possible to bring discussions on them back into that orbit so that all public sector workers feel that they are getting equal treatment?

Mr. Woolas: I understand my hon. Friend's point and accept the integrity of it. The Government's role in the local government pension scheme is that of regulator. We are addressing two issues. In the immediate term, we are examining the cost implications for the scheme of the abolition of the 85-year rule, which we desire and which equality law requires of the scheme. Secondly, we are discussing a more medium-term strategy for the future of the scheme. We wish to address the cost viability of the scheme as part of that because it has a £27 billion deficit. We also want to bring the scheme up to date to address equality, especially for low-paid and women workers.

Planning Guidance (Flood Risk)

4. **Miss Anne McIntosh** (Vale of York) (Con): If he will make a statement on planning guidance in areas prone to floods. [19112]

The Deputy Prime Minister (Mr. John Prescott): We expect to issue a draft of the new planning policy statement 25 for consultation later this year. It will strengthen and clarify planning policy on development and flood risk as part of the Government's approach on managing future flood risks.

Miss McIntosh: While I am grateful to the Deputy Prime Minister for that answer, will he please put a legal obligation on planning authorities to follow the Environment Agency's advice to the letter? Does he agree that where there is a risk of flooding, no planning permission should be given?

The Deputy Prime Minister: As the hon. Lady knows, we are strengthening planning requirements on flooding and introducing a much more risk-averse policy than that which presently exists. I am pleased to say that we have warned local authority planning bodies that they should take the advice of the Environment Agency into account. Since we did that, the number of applications that were contrary to advice given by the Environment Agency on flooding risk has fallen quite considerably. The hon. Lady probably knows that I am involved in consultation on whether to strengthen the Environment Agency yet again and to put a requirement for consultation on a statutory footing.

Chris McCafferty (Calder Valley) (Lab): My right hon. Friend will be aware of the £46 million investment in flood defence systems in the upper Calder valley in my constituency, which will make a huge difference to an area in which there is little flat land for development. Will he assure the House that steps will be taken through the new planning guidance to ensure that rogue developers do not take advantage of new flood defence systems to build on land that experienced a massive problem with flooding in the past?

The Deputy Prime Minister: One of the requirements of new planning policy statement 25 is to take account of all matters that might contribute to further flooding, in order to reduce that risk. Following my hon. Friend's inquiry, I will bring the matter to people's attention again.

Mrs. Jacqui Lait (Beckenham) (Con): Given the vulnerability of the Thames Gateway to serious flooding, which could damage 1.25 million people and cost £12 billion, what action is being taken to identify landowners and repair badly neglected flood defences in the area? Will the right hon. Gentleman share with the House the timetable for action on that serious danger?

The Deputy Prime Minister: There have been considerable discussions on further flooding in the Thames Gateway and action has been taken to prevent that. Indeed, advice is taken from the Environment Agency and other bodies on the matter. I do not think that any serious flooding has taken place in the area since the building took place, and I think that only one application was granted against the advice of the Environment Agency. We have doubled the resources for flood protection, increased resources for the emergency services and warning systems and strengthened the planning situation. All in all, that has led to a major improvement, and a report from the Institution of Civil Engineers only this week made it clear that our actions had tremendously improved the situation.

That contrasts well with the proposal that the Opposition made during the election to cut the resources of the Environment Agency. Barbara Young, the agency's chief executive, said that a choice might then be to abandon vulnerable homes to flooding. That is the reality of the Opposition's policy. I suggest that the hon. Lady shops around the three candidates and asks them whether they are likely to change it if they are elected as leader.

Norman Baker (Lewes) (LD): The Deputy Prime Minister sounds somewhat complacent. Does he recall that in 2000, after my town of Lewes had been badly hit by floods that forced hundreds of people on to the streets, he said that he had had a wake-up call to deal with flood defences? Five years on, almost nothing has been done in Lewes to deal with our flood defence problem and nothing is planned for the next few years. Has he gone back to sleep after his wake-up call? When is he going to give Lewes the flood defences that it deserves?

The Deputy Prime Minister: Quite clearly, if what the hon. Gentleman says is true—and I am not sure that it is—the people of Lewes do not have a very effective Member of Parliament representing them. As I said, the Government have doubled resources, enhanced planning procedures and improved the emergency services. As the Institution of Civil Engineers says, the situation has improved considerably. Perhaps he should take that into account and tell his constituents about it.

Affordable Housing (South-West)

5. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): What plans he has to support the provision of affordable housing in the south-west. [19114]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): I can inform my hon. Friend that, recognising the acute need for affordable housing in the south-west, the Government have given a 48 per cent. increase in capital funding—the highest funding increase of all the English regions—to the south-west. That will be used to support the provision of up to 9,500 additional affordable homes over the next two years.

Linda Gilroy: I thank my hon. Friend for that reply. I know that he understands the misery caused by overcrowding and all the other problems associated with the lack of a suitable housing supply, so he will also understand the need to do even more than has been done so far, although we welcome it greatly. Will he take an interest in and, indeed, support the work being done in Plymouth to explore the role of community land trusts and the mutual home ownership model in helping us to increase the housing supply in Plymouth and the south-west?

Jim Fitzpatrick: My hon. Friend raises a useful point. The Government are always interested in innovative new ideas for the provision of affordable housing, although such proposals should be assessed rigorously. I am informed that English Partnerships is exploring the possibility of piloting a community land trust model in Stroud. We shall closely monitor developments there and in Plymouth.

Robert Key (Salisbury) (Con): When the Minister and his Department consider affordable housing, will he not forget the contribution made by the tens of thousands of almshouses throughout the country? The evidence from the Almshouse Association is that some of the smaller and weaker almshouses are being overwhelmed by regulation, to such an extent that they are applying to the Charity Commission for permission to change their charitable objectives so that they can sell their housing stock and become grant-making charities, which helps no one.

Jim Fitzpatrick: The hon. Gentleman makes an interesting point. The Government have made it clear that housing and affordable social housing are at the top of the Deputy Prime Minister's agenda. We are spending some £3 billion this year and next investing in affordable social homes and we will provide 100,000 homes for new buyers between now and 2010. We will address all aspects of housing to ensure that the decades of under-investment in house building and the provision of homes are reversed.

Alison Seabeck (Plymouth, Devonport) (Lab): Has my hon. Friend read the report recently produced by the Joseph Rowntree Foundation, "Affordability and the intermediate housing market"? If not, I recommend that he does so. It is a thorough report, which highlights concerns relating to the measures of affordability currently used by his Department and confirms that they do not fairly assess affordability in the south-west, which is the least affordable area in the country.

Jim Fitzpatrick: I listened closely to my hon. Friend's points. I have said that we accept and acknowledge the particular difficulty in the south-west. I am familiar with the excellent Joseph Rowntree report. Indeed, I was interviewed about it on ITV London on Sunday. It supports the Government's proposals on new house building and identifies the fact that we have been under-building for decades and need to address that deficiency.

Julia Goldsworthy (Falmouth and Camborne) (LD): Will the Minister elaborate on where in the south-west support for affordable housing will be given and exactly what—*[Interruption.]*

Mr. Speaker: Order. Hon. Members should allow the hon. Lady to be heard.

Julia Goldsworthy: Will the Minister elaborate on exactly where in the south-west support will be focused and give his Department's definition of affordable housing? He will know that in Cornwall the gap between incomes and house prices is the greatest in the country. There are concerns that we will not see any benefit from the investment.

Jim Fitzpatrick: The hon. Lady takes a keen interest in these matters and I welcome her participation in this Question Time. Affordable social housing schemes from

the Office of the Deputy Prime Minister cover all aspects of housing, including rent, shared ownership, equity schemes and key worker schemes. We are looking at ways to bring housing into the market for people on all levels of income. As for the south-west, she will know that the regional housing boards have identified their regions priorities and are responsible for drawing up plans to tackle those priorities.

Lyons Inquiry

6. **Christine Russell** (City of Chester) (Lab): If he will make a statement on the progress of the Lyons inquiry. [19115]

The Minister of Communities and Local Government (Mr. David Miliband): On 20 September, my right hon. Friends the Chancellor of the Exchequer and the Deputy Prime Minster announced an extension to the terms of reference of Sir Michael Lyons' independent inquiry. It will review the current and emerging role of local government and produce a series of documents ending with his final report at the end of 2006. Sir Michael will set out his case in the interim report later this year.

Christine Russell: I thank my right hon. Friend for his helpful reply. Does he agree that the principle of fairness must be central to any reform of local government funding? Will he look at the present situation, as it is estimated that one in three low-income households entitled to council tax benefit does not make a claim?

Mr. Miliband: I certainly agree with my hon. Friend and I assure her that we are working closely with the Department for Work and Pensions to ensure that council tax benefit is claimed by people who are entitled to it.

Sarah Teather (Brent, East) (LD): Can the Minister confirm that the Lyons inquiry and revaluation were postponed after detailed analysis showed that 2.2 million households would go up one or more council tax bands and that the cost of appeals would be so large that it would destabilise local government finance?

Mr. Miliband: What I can confirm is that the decisions were made after detailed discussions with Sir Michael Lyons. They include reflection on the fact that the worst thing that we can do is clobber two teachers living together with a local income tax. We shall certainly not do that.

Energy Performance of Buildings Directive

7. **Dr. Alan Whitehead** (Southampton, Test) (Lab): What measures his Department has taken to implement the European Union's energy performance of buildings directive. [19116]

The Minister for Housing and Planning (Yvette Cooper): In September, the Government announced that articles 3, 4, 5 and 6 of the energy performance of buildings directive will be implemented in April next year in the changes to part L of the building regulations.

Dr. Whitehead: I welcome the commitment to part L and the working party on existing private sector housing. Is my hon. Friend aware of remaining concerns about self-certification and measurements of buildings? Is she willing to meet the directive implementation advisory group—the professional body that is looking at the problem—to discuss those concerns?

Yvette Cooper: I will happily meet my hon. Friend and the experts whom he chooses to bring with him. I know that he has great expertise and interest in the matter, which is why he tabled a private Member's Bill on the subject. We have already issued proposals relating to self-certification and I am happy to discuss that with him.

Thurrock UDC

8. **Andrew Mackinlay** (Thurrock) (Lab): If he will make a statement on the work and remit of the Thurrock urban development corporation. [19117]

The Minister for Local Government (Mr. Phil Woolas): The Thurrock Thames Gateway development corporation will drive regeneration and economic development and accommodate the borough's growth. The corporation is preparing a regeneration framework in consultation with Thurrock council and others.

Andrew Mackinlay: Now that extensive planning powers have been granted to the development corporation, will my hon. Friend take this opportunity to reaffirm the Government's commitment to the green belt, and indicate to the development corporation that there should be a presumption that all development will be within the footprint of brown land, derelict land or land that has appropriate use?

Mr. Woolas: I am happy to confirm that that is the case.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [19094] **Bob Russell** (Colchester) (LD): If he will list his official engagements for Wednesday 19 October.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I know that the whole House will join me in sending our condolences to the family of the British soldier who was killed in Basra overnight. He and his colleagues were doing a vital job in Iraq, helping that country become the democracy that its people want, as the millions who voted on Saturday in Iraq showed.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Bob Russell: Representing a garrison town, I share the sentiments expressed by the Prime Minister.

The right hon. Gentleman is aware that some local authorities are warning of big increases in the council tax next year, with job losses and cuts in services. Does he agree that now is not the time to embark on grandiose projects, particularly those that will rely on a heavy annual subsidy from the public purse?

The Prime Minister: I do not think I had better answer that last part too specifically, in case I have not spotted the catch. It is important that people understand that for the council tax, the Government have increased support to local authorities substantially over the past few years. Most council tax bills in Conservative and, if I may say so, Lib-Dem-controlled areas, are already over £1,000, whereas most council tax bills in Labour areas remain below £1,000. That may not be grandiose, but it is an excellent guide to voting intentions.

Joan Walley (Stoke-on-Trent, North) (Lab): Yesterday, the primary care trusts in Devon and Cornwall agreed to prescribe Herceptin for women in the early stages of breast cancer. Today West Yorkshire has followed suit. Will my right hon. Friend give a message of hope to my constituent, Alison Poole, who does not want a postcode lottery to develop and wants to get Herceptin prescribed? Will he look at ways of making emergency funds available to primary care trusts in the present financial year?

The Prime Minister: The steps recently announced by my right hon. Friend the Secretary of State for Health should mean that the drug is available throughout the country as swiftly as possible. Because the matter arises as a result of the National Institute for Health and Clinical Excellence guidelines, we are looking at how we can speed up the process in cases where it particularly matters to people who may be desperately ill and who think there is a drug on the market that can help them. We all accept that at present the procedures are too slow. The idea of NICE is an excellent idea. It has a broad measure of support, but we need to make sure that its processes work more quickly so that what has happened in the case of this drug is not repeated.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in expressing my condolences and the condolences of those on the Conservative Benches to the family of the British serviceman who lost his life overnight in Iraq. I pay tribute once again to the courage with which our forces are discharging the very difficult tasks they face in that country.

Could the Prime Minister tell us why the Chancellor attempted to

"dress the public finances up for the election"?

The Prime Minister: I do not accept that the Chancellor did so at all. I remind the right hon. and learned Gentleman that both the public finances and the general economic record of the Government compare extremely well with the disastrous experience that the country had when he was a member of the last Conservative Cabinet.

Mr. Howard: The Prime Minister and I are both old stagers and we can always take a trip down memory lane, and if we do we will find that it is commonly agreed that it was the last Conservative Government, particularly under the financial stewardship of my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), who laid the foundations for what has happened since. But I think that the Prime Minister will find that most people are more interested in here and now and the future. I was quoting from the Item Club, which uses the Treasury's own model, and it says this week that the Chancellor's growth forecasts are now "completely untenable"; he has been "looking around for scapegoats"; he is left "short of excuses"; and

"there is no way that external developments can be blamed for the Treasury's forecasting errors."

On that basis it concludes that the Chancellor was simply attempting to

"dress the public finances up for the election".

Why did the Prime Minister let him do that?

The Prime Minister: If we are talking about the present or the future, I rather prefer the OECD economic survey that said that our macro-economic performance over the last decade has been a "paragon of stability", and that we have delivered economic stability, record growth, the lowest levels of unemployment, the lowest interest rates and lowest inflation that this country has seen for decades. I tend to take a trip down memory lane, but memory lane is not very good for the country. Let me just remind the right hon. and learned Gentleman that when he was in government—[HON. MEMBERS: "Oh!"] Oh yes, because this is what would happen if they ever got their hands back on the British economy again—inflation peaking at over 10 per cent., interest rates at 15 per cent., and when he was Employment Secretary, unemployment rose by 1 million. That is why, whether we compare the present, the past or the future, the Labour party outperforms the Conservatives.

Mr. Howard: Let us look at some of the things that the Prime Minister has mentioned. Inflation is higher now than it was in May 1997; unemployment has gone up for eight months in a row; the growth forecasts have been downgraded; mortgage rates have risen; the trade gap is at its highest level ever; and business investment is at its lowest level ever. So I do not think that there is much for the Prime Minister to crow about there. Is not the reason why the Chancellor tried to dress the public finances up for the election very clear? Is not the naked truth that he did not want to come clean on the tax rises that we all know are coming?

The Prime Minister: Let me just remind the right hon. and learned Gentleman that employment is 2 million higher under this Government; long-term youth unemployment has been virtually eliminated under this Government; people remember the old skivvy schemes under the Conservatives; and the new deal that he is still opposed to has delivered opportunities in work and training for over a million of our citizens. If we look at a comparison between this country over the past few years and any other major developed country, this country comes out top. That is the fact, and people remember what it was like under the Conservatives. It is not just a

question of a trip down memory lane; it is exactly the same polices as the Conservatives advocate today. Past, present or future, we are better.

Mr. Howard: The Prime Minister seems to be unaware that our growth record is actually lower than that of the average for developed countries in the world, and the House and the country will have noticed that he did not even pretend to deny that the reason why the Chancellor fiddled the figures before the election was to pretend that it would not be necessary to increase taxes. Is not that also the reason why the Chancellor has moved the goalposts on the economic cycle—so that he can borrow £13 billion more without appearing to break his golden rule? As the Item Club said:

"the Chancellor sails permanently so close to the wind that he has to move the jetty".

Is not that just storing up tax rises for the future as well?

The Prime Minister: I do not accept that. If the right hon. and learned Gentleman looks at public sector debt and deficits, he will find that they are among the lowest in the G7. We have a record on unemployment, on growth, on inflation and on interest rates that compares extremely favourably with that of other countries—interest rates are about half of what they averaged during the Conservative years. As we are quoting, I shall quote this to the right hon. and learned Gentleman:

"Fifteen per cent. interest rates, sky-high mortgage arrears, negative equity, bankruptcies, entrepreneurs giving up the ghost on private-run companies and a lot of people losing their jobs. I don't think there was a family in the country that didn't experience at least one of those anguishes."

Not my words, but those of the right hon. Member for Wokingham (Mr. Redwood). I know that he is neither a present nor a past contender for the leadership of the Conservative party, but he shared a Cabinet table with the right hon. and learned Gentleman, and I think that his testimony is good.

Mr. Howard: My right hon. Friend shares my view that that was because of our entering the exchange rate mechanism. Conservative Members have learned our lesson, because we are firmly committed to not joining the euro. Let us return to the record of this Government and this Chancellor: is it not the case that it is the Chancellor who thwarted the Prime Minister's public reform agenda, that it is the Chancellor who is guilty of dressing up the public finances and that it is the Chancellor who is ramping up taxes on hard-working families? If the Prime Minister's legacy is important to him, why on earth does he not stand up to the Chancellor, instead of planning to hand over to him?

The Prime Minister: Without going back over all the statistics that we have been trading on the economic performance of his Government compared with ours, I am not sure whether the right hon. and learned Gentleman can blame two recessions and millions of unemployed on the exchange rate mechanism. Has he checked that with the right hon. and learned Member for Rushcliffe (Mr. Clarke), who did not say that at the time and does not say that now? We all know that the last Conservative Government was a disaster in terms of boom-and-bust economics and that this Government have produced economic stability. Incidentally, when we are talking about reform, this Chancellor introduced one very important reform, Bank of England independence, which played an important part in giving this country stability, and I remind the right hon. and learned Gentleman that he opposed it.

Mr. Howard: We agree that that was the right thing to do eight years ago. As the Prime Minister is so keen on the figures, let me give him some figures about his Government's performance: growth forecasts are down and the trade deficit is up; manufacturing jobs are down and taxes are up; competitiveness is down and red tape is up; and productivity growth is down and borrowing is up. We have fallen from 4th to 13th in the competitiveness league table; we are 15th out of 27 in productivity; we are 51st in the league table for Government regulation; and we are 67th on the efficiency of our tax system, 28 places behind Cambodia. Yet the Prime Minister preens himself on his conduct of the economy. Why does he not use the time that he has got left to stop being hoodwinked by his Chancellor and face up to the reality of the true state of the British economy?

The Prime Minister: I now have 67 statistics that I want to read out—*[Interruption.]* I am joking—fortunately. We can compare economic records, but our economic record stands comparison with the best not only of our past, but of other countries. It is true that growth has slowed, as it has in all major countries, but I think that I am right in saying that this is the only major economy anywhere in the world that has weathered the economic storms of the past few years without a recession. It is true that there have been small increases in the unemployment claimant count, but employment has continued to rise and unemployment is way down on a few years ago.

The right hon. and learned Gentleman has said that we agree about Bank of England independence. I must point out that he did not agree at the time and that he opposed it. At that time, he also opposed extra investment in our public services, the reform of student finance and the minimum wage. I understand that he has converted himself on all those propositions, and I suggest that he convert himself on this one: the steady progress in investment and reform in our public services has seen record school results, falls in waiting times and waiting lists, and people getting better cancer and cardiac care. That is why we should continue with this Government's policies.

Mr. David Winnick (Walsall, North) (Lab): Can my right hon. Friend look again at the delays in compensation for the survivors of the attack by the mass murderers on 7 July? In doing so, will he also look at the inadequacy of that compensation? For example, the final compensation sum for one of the victims, a young female who had her legs amputated above the knee, is £110,000. That is totally inadequate. There is a need for all of us in this House not only to try to protect people from terrorists but to ensure that those who survive such attacks are properly looked after, including financially. This matter should be looked at very urgently by the Government.

The Prime Minister: In general terms, of course I agree with the sentiments that my hon. Friend expresses. The Criminal Injuries Compensation Authority has been dealing with claims relating to 7/7 as rapidly as possible, as it does with all claims. We have recognised the unique nature of the attack through the payment of additional sums of money into the London bombings relief fund. However, I understand the concerns that still exist. I can tell my hon. Friend that officials are considering the possibility of introducing a scheme to provide compensation for, for example, UK victims of terrorism, wherever that may happen. We will also look at how we can speed up the provision of payments to the victims of 7/7. The CICA is separate from Government, so there is a limit to the degree to which we can push it, but we have made our views clear. To be fair, I understand that it has made some 30 offers of payment, 13 of which have been paid.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Given the narrowness of last night's vote on the Identity Cards Bill, does the Prime Minister accept that it is highly unlikely that he will succeed with it when it comes before the House of Lords? That being the case, may I return to the question that I asked him in June, which he chose not to answer? Is it his intention to use the Parliament Act to push the Bill through the House of Lords, based on his 35 per cent. mandate from the country in the House of Commons?

The Prime Minister: I am not going to base my answers on the right hon. Gentleman's pessimistic assumptions. ID cards are an important part of our manifesto. They are also an important part of trying to protect this country and to deliver a better way for people to protect their identity in the modern world. The reason why this is happening is perfectly simple, and it is happening in many other countries as well. The new biometric technology, combined with the fact that identity fraud and identity abuse are far more common in today's world, make the adoption of an identity card over time the sensible way for this country to go. Rather than arguing about who is going to win and who is going to lose in the House of Lords, let us have a serious debate on the issues.

Mr. Charles Kennedy: No clear answer in June; no clear answer today. The Prime Minister must therefore understand why so many people, including, as we heard in the exchanges yesterday, more than a few of his own Back Benchers, see his Government as becoming more authoritarian as every day goes by. I say this to the Prime Minister: just look at a checklist which involves questioning the principle of innocence until proved guilty, promoting the concept of summary justice, picking fights with the judiciary, and saying that he wants to lock people up for 90 days without charge. If that is not an authoritarian approach, what is?

The Prime Minister: I do not think that it is authoritarian to say that the police need powers in respect of antisocial behaviour in local communities, including fixed penalty notices, closing down pubs where there is regular fighting outside, and putting in place antisocial behaviour orders. That is not authoritarian: it is putting the interests of law-abiding people first.

We are putting forward the 90-day period—although of course it is to be subject to judicial oversight every seven days—because the police tell us that they believe that such a power is necessary to prevent terrorist acts.

It is truly absurd to say that introducing identity cards—as, after all, large numbers of countries have done—is an authoritarian act. What we are trying to do, whether in respect of terrorism, antisocial behaviour or identity abuse, is to protect the decent, law-abiding people of this country. The debate is not advanced in any shape or form by the type of language that the right hon. Gentleman uses on civil liberties. I accept that the civil liberties of this country are an important part of our tradition—*[Interruption.]* Let me say to Liberal Democrats that there is also a civil liberty to walk down the street without abuse, a civil liberty to ensure that we, as a country, do not lose out as a result of illegal people trafficking and identity fraud, and a civil liberty that is the right to life. In Government, difficult decisions have to be made by weighing up those matters and finding a balance. As far as I am concerned, I shall put the decent, law-abiding citizens of this country first and foremost.

Mary Creagh (Wakefield) (Lab): Does my right hon. Friend know that 30 per cent. of children aged two to 15 are obese or overweight? Although I am sure that hon. Members of all parties welcome recent Government announcements about banning junk food from school vending machines and improving school dinners, does he agree with the proposals in the Children's Food Bill to ban junk food advertising that is aimed at children in order to tackle the public health crisis?

The Prime Minister: We are looking carefully at the content of the Children's Food Bill. In principle, we accept that when advertising food and drinks that are high in fat, salt and sugar is aimed particularly at children, there is a case for action. However, we must consider the implications carefully. I assure my hon. Friend that we are determined to improve the position in relation to school meals and the diet of our children, since the indications are that that helps not only our young people's health but their ability to learn properly in school.

Q2. [19095] **Mr. Mark Prisk** (Hertford and Stortford) (Con): The Deputy Prime Minister's plan to demolish 367 homes in Liverpool has been described by the Minister of State, Department of Health, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), as "social cleansing". What is the Prime Minister's view? Does he support his Deputy or his Minister?

The Prime Minister: I am just hearing my right hon. Friend the Deputy Prime Minister disputing that, so I think that the facts on which the hon. Gentleman bases his question may be wrong. However, I assure him that we are putting a significant sum of money into housing and improving housing in Liverpool and elsewhere. That money is being used to provide decent homes and to ensure that people have access to high quality housing even if they are on low incomes.

Q3. [19096] **Paul Flynn** (Newport, West) (Lab): Does my right hon. Friend agree with the statement by the late Robin Cook that our nuclear weapons are hopelessly irrelevant to the task of dealing with terrorism and helping our vital role in international peacekeeping? Will he answer the question of which I gave him notice earlier today and tell us that, before any decision is made about spending a massive amount of money—at least £10 billion—on a replacement for Trident, we can have a debate and a vote in the House?

The Prime Minister: I am sure that there will be a debate as my hon. Friend suggests, and I have no doubt that there will be a great deal of discussion on the issue as the months and years unfold. I do not think that anyone pretends that the independent nuclear deterrent is a defence against terrorism; none the less, I believe that it is an important part of our defence. My right hon. Friend the Secretary of State for Defence has already made it clear that the Government will listen to hon. Members before making any decisions on replacing Trident. No decisions on replacing it have yet been made, but they are likely to be necessary in the current Parliament. It is too early to rule in or rule out any particular option. As we set out in our manifesto, we are committed to retaining the UK's independent nuclear deterrent. My hon. Friend will doubtless make his views clear, as will other hon. Members, and we will make our decision ultimately in the best interests of the country.

Q4. [19097] **Mr. Richard Benyon** (Newbury) (Con): Given the experience of West Berkshire primary care trust, will the Prime Minister give an assurance that, in future, no PCT will have to tear up its budget a few weeks into the financial year and make savage cuts in health care to pay off the deficit in another PCT?

The Prime Minister: I am afraid that I do not know enough about the circumstances of the hon. Gentleman's PCT, but I am happy to correspond with him about it. However, according to my information, the PCT for his area has £89 million in funding—a considerable increase on a few years ago. There are also more nurses, more consultants, more general practitioners and more doctors in training in his area since 1997. I cannot answer the question about the details of his particular PCT, but I can say that, in common with other PCTs, it has had a considerable increase in its financial resources.

Mr. Gordon Prentice (Pendle) (Lab): Is my Friend aware of the huge disquiet on this side of the House about his plans to force health workers such as health visitors, midwives, occupational therapists and physiotherapists out of the NHS and into the private, voluntary and not-for-profit sectors? Why are we doing this? Is it a matter of ideology?

The Prime Minister: No. There is a consultation going on at the moment about primary care trusts and their structure which, as I have said, will give us the right configuration for health services for the future. This is not a matter of ideology; it is a matter of delivering the best service we possibly can for patients. It is also a matter of realising that, as we build up the resources going into the national health service over the next few years, the British national health service will be up around about the average of EU funding for health care for the first time in decades. It is important that we continue to get value for money for that investment, and people will expect us to do that.

These reforms are subject to consultation at the moment, but the lesson of our reform programme so far is that it is that programme, along with the money, that has delivered real falls in waiting times and waiting lists. For example, we now have a maximum of six months, whereas when we came into power it was 18 months. Over the next few years, if we keep the investment and reform going, there will be a maximum 18-week wait from the door of the GP to the door of the operating theatre. That will have transformed the position that we inherited in 1997.

Q5. [19098] **Gregory Barker** (Bexhill and Battle) (Con): Eight years ago, on coming to power, this Government abolished the right of successful schools to break free from local authority control, yet they are going to publish a White Paper next week that will effectively hand back that option to certain schools. In the twilight of his premiership, has the Prime Minister finally discovered his reverse gear?

The Prime Minister: No, because what we did was abolish the fair funding restrictions. The fair funding that we have introduced to schools was the exact opposite of what happened with the grant-maintained schools, which were given special incentives to opt out of local education authority control. I am afraid that the hon. Gentleman is way out of date. Specialist schools and others have had greater freedoms in the last few years—since the beginning of our second Parliament, in fact. Not only are additional freedoms going to be given, but additional resources as well, so that every school in the country—not a small minority of schools, which is all that the grant-maintained schools ever were—will have the resources and the freedom that it needs to improve education for its children.

Q6. [19099] **Clive Efford** (Eltham) (Lab): My right hon. Friend is aware that there is widespread concern about the restructuring of primary care trusts, especially in London, where there are plans to remove their link with local government boundaries. May I urge him to review those proposals and, in particular, to reconsider the plans to impose a one-size-fits-all, dogmatic approach to commissioning by imposing a purchaser-provider split? He will be aware that such an approach was an integral part of the internal market of the NHS under the Tories. It became much hated by the public, and is one of the reasons why they will never be trusted with the NHS again. Should we not be wary of going down that road?

The Prime Minister: We certainly should. However, there are two separate issues here. One is the reorganisation of the PCTs, and full consultation on the new boundary arrangements proposed by strategic health authorities will take place. Stakeholders and those interested in the issue, including my hon. Friend, will be able to make their representations clear. The second thing is to ensure that we introduce greater contestability in the health service. I believe that to be absolutely vital in order to introduce greater patient

choice. Despite what people have said over the past few years, every time we have offered patients the ability to choose so that they get swifter access to NHS care, they have wanted it. Exactly as I want the law-abiding citizen to be at the centre of the criminal justice system, and the interests of parents and pupils to be at the centre of our education system, so I want the interests, desires and influence of patients to be at the centre of an NHS that is free at the point of use but modernised for today's world.

Rev. Ian Paisley (North Antrim) (DUP): May I associate my hon. Friends and myself with the Prime Minister's remarks of condolence? Is he aware of the fact that an important announcement is to be made in a written statement from the Secretary of State for Northern Ireland today? According to what I have heard in the Lobby, that statement purports to restore the money to IRA-Sinn Fein that the House voted to stop. Why is this statement not being made on the Floor of the House so that the representatives from Northern Ireland can at least voice their opinion on the matter?

The Prime Minister: I am sure that people will voice their opinion about the matter, but it is important that we make step-by-step progress in Northern Ireland. In July, we had major progress with the report of the Decommissioning Commission. Over the coming months, I want to make sure that we arrive at a situation in which we can get the institutions back up and running again in Northern Ireland. Along the way, difficult things will be done on all sides, but that is the step that we must take, and I would have hoped that the Democratic Unionist party, along with others in Northern Ireland, would support the objective.

I understand the strong feelings on the matter. Sometimes, on other issues, we do things that Sinn Fein, the Social Democratic and Labour party and others do not like. I believe this to be a sensible step in trying to revitalise the institutions and devolved government in Northern Ireland, however, and that is our aim. We have come a long way in doing that, but we must complete it.

Q7. [19100] **Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): Has my right hon. Friend heard of the young person-led charity Changemakers, which used that name before he made it so famous? It does a lot of work in my constituency and across the country, helping to empower young people to play an active role in society. Will my right hon. Friend congratulate Changemakers on that and invite it to work with the Government on the youth Green Paper, which covers areas in which it is already working successfully? Does he also agree that young people should be—

Mr. Speaker: Order. One supplementary question is fine.

The Prime Minister: First, may I apologise to Changemakers for having breached their copyright? I assure my hon. Friend that we very much support its work, and funding such work is part of a programme over the coming years in which, as well as taking tough measures on issues such as antisocial behaviour, we are prepared to put real resources into young people, volunteering activities and things that help to bring the community together. Changemakers is a national organisation and is recognised by us for its work. I hope that she will pass on our congratulations to those engaged in Changemakers in Newcastle.

Infrastructure Audit (Housing Development)

12.32 pm

Mr. Francis Maude (Horsham) (Con): I beg to move,

That leave be given to bring in a Bill to require an audit of existing or planned infrastructure in areas of significant housing development.

This Bill requires the Government to be joined up. There is a huge disconnect between the Government's diktat that many tens of thousands of new houses are to be built in West Sussex over the next 15 years and the provision being made to support infrastructure. I am especially concerned about the secondary health infrastructure, which is already in deep crisis and deteriorating fast. There are also major problems with transport and water capacity, neither of which is being addressed seriously by the Government.

The Government's approach to housing development is totally prescriptive: they call it predict and provide; it feels much more like accept and obey. The Office of the Deputy Prime Minister has made it clear to our county councils that the number of homes ordered to be built in the south-east is non-negotiable. That means that the number of new homes to be built in West Sussex is set to be 2,900 each year for the next 20 years. That would rise to 4,200 a year if the Barker proposals were accepted, as the Government seem to indicate that they might be, or if the Deputy Prime Minister sought to overrule the South East England regional assembly recommendations already made. On the smaller basis, West Sussex would have an extra 58,000 homes and an extra 85,000 people, which is equivalent to building another town the size of Crawley in West Sussex.

That level of house building is among the highest in the south-east, but West Sussex has not been designated as one of the Government's growth areas. The result of that is that we get all the new housing but without the provision for new infrastructure that accompanies growth area status. Of course, funding for key public services like health and education is based on GP lists and school rolls, which inevitably means a lag of at least two years between population increases and the increased funding. In the meantime, of course, schools and hospitals are strapped for cash.

According to the all-party Environmental Audit Committee,

"The Government's ambitions for new housing in the South East, if met with undue haste and an absence of thorough environmental appraisals, will lead to significant and effectively irreversible environmental damage."

We are still waiting for those environmental appraisals, but people in the area know that the implications for the environment are dire. Not surprisingly, there is overwhelming local resistance to the proposed levels of house building. Recent polls suggest that two thirds of local people oppose the increases, and about the same number simply do not believe that the supply of infrastructure, particularly NHS hospitals, will keep pace with new house building.

Those people are right to be concerned. Not only are hospital services not being enhanced, they are being actively and daily run down. The Surrey and Sussex healthcare trust, which runs both Crawley hospital and East Surrey hospital at Redhill, has languished at the bottom of the Government's star rating system for the last four years. Regrettably for its long-suffering staff and patients, it has never been given more than one star, and for the last two years it has been awarded none. That places it in the bottom 5 per cent. of all acute hospital trusts in England.

The trust is battling to live within its existing income. It has a rolling £30 million deficit, which is likely to reach £60 million by the end of the year. According to its chairman,

"Surrey and Sussex healthcare trust would be bankrupt if it was a company."

In recent years, there has been a consistent pattern of acute services' being moved from Crawley to Redhill. On each occasion, we are assured that this will be the last service to be removed from Crawley; then, a few months later, off goes another service. Acute trauma, maternity, and accident and emergency services have gone. More recently, operating theatres have closed, and redundancies now seem likely.

We would mind less about all that if the Redhill hospital could cope with the extra work being driven to it, but it cannot. Members may have seen television coverage of ambulances queuing outside the accident and emergency department. At Redhill, it is not how long people wait on a trolley that is measured, but how long they wait in the ambulance before even getting on to a trolley.

There is a similar picture in Mid-Sussex, with consultant-led maternity services moving from the Princess Royal hospital at Haywards Heath to Brighton. It is not absurd to speculate, given the current trends, that pretty soon there will be barely any acute hospital cover in West Sussex. The public feeling, however, is that more, not fewer, hospital services are required. The south-eastern county councils have estimated that the region will need an additional 1,800 acute and 900 general hospital beds over the next 15 to 20 years, which is equivalent to six medium-sized hospitals.

The Department of Health's own inquiry produced a recommendation that there should be a new hospital at Pease Pottage to serve this fast-growing area, but, in a classic example of disjointed, dysfunctional government, the Secretary of State himself turned down the proposal. The new hospital really is needed, however. Since the Government vetoed it, attracting permanent staff to the Surrey and Sussex trust has been increasingly difficult. In the last three years the trust has spent £58 million on temporary staff, and £21 million has been spent in the past year alone. Probably about £30 million of that was wasted; it could have been invested in hospital infrastructure to attract top teams of staff to rival those at the best London teaching hospitals. I strongly urge the Secretary of State to reopen the files, have another look at the Bagnall report of three years ago, and re-examine the case for a new hospital at Pease Pottage.

I mentioned the water capacity problem earlier. That problem is already severe, and it is growing. The Government's own favourite think-tank, the Institute for Public Policy Research, recognises the seriousness of the problem. Its commission on sustainable development in the south-east observes

"Only with significant water efficiency savings in existing and new homes, and the timely provision of new water resources, will there potentially be enough water to meet rising demand for new housing and domestic consumption."

[Mr. Francis Maude]

The Bill would force a serious rethink about those infrastructure shortages. It would require a full audit of existing or planned infrastructure in areas of significant housing development. It would not preclude the Deputy Prime Minister from continuing to impose excessive housing development on the south-east, but it would make it much more embarrassing for him to do so without proper provision being made for the necessary infrastructure. It would lay bare for public scrutiny the deficiencies in Government thinking and planning.

As I have said, I oppose the huge increases in house building currently being contemplated. However, this Bill would ensure that any new house building was matched with adequate infrastructure. For West Sussex, it should lead to a new hospital being built at Pease Pottage. For all those reasons, I commend this Bill to the House.

Question put and agreed to.

Bill ordered to brought in by Mr. Francis Maude, Mr. Tim Boswell, Greg Clark, Mrs. Nadine Dorries, Mr. Nick Gibb, Charles Hendry, Nick Herbert, Tim Loughton, Mr. Nicholas Soames and Mr. Andrew Tyrie.

INFRASTRUCTURE AUDIT (HOUSING DEVELOPMENT)

Mr. Francis Maude accordingly presented a Bill to require an audit of existing or planned infrastructure in areas of significant housing development: And the same was read the First time; and ordered to be read a Second time on Friday 14 July, and to be printed [Bill 61].

Privilege

12.41 pm

Chris Grayling (Epsom and Ewell) (Con): I beg to move,

That the matter of the evidence given by the right hon. Member for North Tyneside to the Transport Sub-Committee of the Select Committee on Transport, Local Government and the Regions on 14th November 2001 be referred to the Committee on Standards and Privileges.

I am very grateful to you, Mr. Speaker, for allowing this important motion to be put to the House today. It is important because of what should be one of the most fundamental principles of this House and the way that our parliamentary democracy operates. Ministers may be evasive, they may be difficult, they may be downright disingenuous—but they must not lie to the House of Commons. The charge that lies on the table in front of the right hon. Member for North Tyneside (Mr. Byers) is that on 14 November 2001 he lied to a Select Committee of this House. It is not for me to judge his guilt, although I have my views, but it is for this House to judge his guilt.

I do not intend to make a long speech to propose this motion, but I do need to give the House a little of the background to it before Members decide whether or not this matter should be considered by the Standards and Privileges Committee. In November 2001, I was a member of the Transport Sub-Committee, under the chairmanship of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). It was six weeks after Railtrack had gone into administration, and we were in the midst of an inquiry into the future of the railways and the circumstances that had led to administration.

The story that we had been told was that the Government had begun the process to force Railtrack into administration only after a meeting that had taken place some three months earlier, on 25 July of that year, between the chairman of Railtrack, Mr. John Robinson, and the right hon. Member for North Tyneside. We were told that Mr. Robinson had warned at that meeting that if Railtrack were to survive, it would need additional Government support. Without that support, its future was in doubt.

During an evidence session that formed part of our inquiry, I asked the right hon. Gentleman:

"was there any discussion, theoretical or otherwise, in your department before 25 July about the possibility of a future change in status for Railtrack, whether nationalisation, the move into a company limited by guarantee or whatever?"

He replied:

"not that I am aware of."

You will be aware, Mr. Speaker, that the right hon. Gentleman has since admitted that that response was inaccurate, and he has apologised both to the House and to me. So why have I not accepted that apology, and why do I believe that the House should not do so? The right hon. Gentleman has accepted that he commissioned a review of the future of Railtrack—from a joint working party comprising representatives of his Department, the No. 10 policy unit and the Treasury—well before that date. In his personal statement on Monday, he said that

"the commissioning of work to be carried out on the future options for Railtrack did not represent discussions in the true meaning of that word."—[*Official Report*, 17 October 2005, Vol. 437, c. 640.]

I have to say, Mr. Speaker, that I regard that answer as utterly unconvincing. It alone might have been enough to persuade me to press ahead with today's motion. However, the latest evidence to emerge from this period is, in my view, decisive.

My hon. Friend the Member for Rutland and Melton (Mr. Duncan) obtained on Monday copies of the minutes of a meeting held at No. 10 Downing street on 6 July 2001. That meeting was attended by the right hon. Member for North Tyneside, the permanent secretary of his Department, the then Chief Secretary to the Treasury, the head of the No. 10 delivery unit and the Prime Minister. That minute refers very clearly to a discussion about the future structure of Railtrack.

In that light, I cannot and do not accept the statement made to the House on Monday by the right hon. Gentleman. It is of paramount importance that Members can rely on the testimony given to us by Ministers. That is why I hope that the House will join me in supporting the motion, so that the matter can be properly examined. If the right hon. Gentleman is innocent, his name will be properly cleared; if he is guilty, he deserves the censure of the House.

12.46 pm

The Leader of the House of Commons (Mr. Geoffrey Hoon): The Government support the motion because it is necessary for the House to refer possible breaches of the rules to the Standards and Privileges Committee for investigation. The Government respect the privileges of the House and we will uphold them. They are crucial to the independence of Parliament and the strength of our democracy.

It would be wrong of me to anticipate the Committee's report and I hope that hon. Members on all sides of the House will wait until it has reported before passing judgment on my right hon. Friend the Member for North Tyneside (Mr. Byers). In particular, I urge Members to refrain from treating the matter as a party political question. I know that my right hon. Friend welcomes consideration of this issue by the Standards and Privileges Committee. Indeed, with the leave of the House, I would be willing to respond to any further points, as necessary.

12.47 pm

Mr. David Heath (Somerton and Frome) (LD): May I say how much I welcome the views just expressed by the Leader of the House? There is a well-established mechanism within the House for dealing with these matters—through the Standards and Privileges Committee. It is a Committee on which I served during the last Parliament, so I know how seriously it takes its responsibilities. Notwithstanding the comments of the right hon. Member for North Tyneside (Mr. Byers) in his personal statement on Monday, on which I say nothing at this stage, I believe that there is a prima facie case for investigation. It is right for the Committee to have the opportunity to investigate further. Although this is a House matter, I recommend that my right hon. and hon. Friends support the motion if it is put to a vote today.

12.48 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Select Committees of the House are set up to monitor the work of Government Departments. They must be able to do that fairly and freely. I know that we all support that idea and the work of those Committees has expanded because they have the support of the House.

It is neither the time nor the place to debate the wider implications of this matter, but it is clear that, in future, the House will have to consider the powers of Select Committees to ensure that the evidence given to them is not only reliable but can be verified. I hope that we will have the opportunity to return to that issue in future. In the meantime, on behalf of my Select Committee and myself, I support the referral to the Standards and Privileges Committee.

Question put and agreed to.

Opposition Day

[7TH ALLOTTED DAY]

Council Tax Revaluation

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

12.49 pm

Mr. Eric Pickles (Brentwood and Ongar) (Con): What a difference a few short months make in the Government's view of the world. It seems but a moment ago—the mere passing of slight time—that I was standing at the Dispatch Box extolling the virtues of abandoning a council tax revaluation, only to be met with vitriol and abuse from Government and Liberal Democrat Members. In fact, it is only the Liberal Democrats who remain in favour of an immediate and complete revaluation. Three times that once great party has voted for revaluation and I suppose that those votes were not entirely wasted. In modern politics, we are supposed to have a degree of empathy with other people and the Liberal Democrats can now feel empathy with Labour Back Benchers, because they also now know how it feels to be let down by Labour.

The Government were steely in their determination to bring about revaluation and unwavering in their support for an immediate one. For example, the Prime Minister commented in the *Daily Star* on the Conservative pledge at the last general election to cancel revaluation. He said:

"It's a complete con. From the Conservatives this really is the most desperate opportunism."

We had an even more robust view from the right hon. Member for Greenwich and Woolwich (Mr. Raynsford)—it is a pleasure to see him in his usual place—in July, when he said:

"it is intellectually and economically illiterate to suggest that one can have a system of council tax without a need for periodic revaluation. That is why we introduced arrangements for a regular, 10-yearly revaluation."—[*Official Report*, 4 July 2005; Vol. 436, c. 51.]

I expect that he was surprised when, within 11 short weeks of those words, they blew up in his face. I would not have liked to have been in the Minister's shoes when he made the phone call to tell the right hon. Gentleman that all his hard work had been torn up as soon as he left office.

What has caused the Government's near Damascene conversion to the Conservative position? I say "near" because the Government propose a postponement, not a cancellation. There are two possible explanations for the U-turn. The written statement on 10 October announced that the Government intended to introduce legislation to postpone the revaluation for council tax in England. It stated:

"The case for council tax revaluation . . . is linked to wider questions about the structure of the council tax, and to the operation of council tax benefit. It is also relevant that there are a number of other imminent changes in the local government finance system, including the move to three year budgets, the review of the local government finance formula, and the creation of a dedicated schools budget."—[*Official Report*, 10 October 2005; Vol.437, c. 5–6 WS.]

I was surprised only that the statement did not add that the revaluation had to be postponed because the letter "r" appeared in the month of September. Every single thing mentioned in the statement was known when the Lyons review was set up and revaluation was planned.

The second explanation therefore has a ring of truth, and it comes from the mouth of the Minister of Communities and Local Government. When asked outside the Table Office by one of his colleagues from the west midlands why the Government had postponed the revaluation, he said that it would be too difficult, too hot to handle and had to be dropped. It is a sad fact that, on occasions in this place, having a clear voice can be a disadvantage.

This is not a policy; it is a postponement for others to pick up when the Minister has moved on to pastures new. Many will agree with the judgment of the right hon. Member for Greenwich and Woolwich, who wrote in this week's *Municipal Journal* that the Government had a

"loss of nerve over revaluation".

Why revalue? A myth has grown up around the need to revalue, but it is a conventional wisdom that needs to be challenged. I know that because I was once seduced by the conventional orthodoxy. I was once persuaded that the emperor was wearing a shiny new suit rather than being naked of ideas or legitimacy. I was not alone. Even such august bodies as the Royal Institution of Chartered Surveyors have been persuaded that the emperor is not in the altogether. In its otherwise excellent brief prepared for this debate, it states:

"Fundamental to the fairness of the tax base for Council Tax is an up to date valuation list supported by frequent and consistent revaluations. The current valuation list is based on 1991 values. Since 1991 . . . average house prices have increased by some 216 per cent."

It is neither fundamental to the council tax nor to its fairness that revaluation takes place—and it entirely misses the point. As my colleague Lord Hanningfield said in the other place:

"Statutory revaluations will take council tax further towards being solely a property tax . . . Council tax was originally devised as a tax which was part property based and part service based."—[*Official Report, House of Lords*17 July 2003; Vol. 651, c. 976.]

When the council tax was first introduced, there was no provision for revaluation. The purpose of a revaluation is to correct grossly disproportionate movements in the housing market. It may be that, over a 10-year period, those movements are negligible, and that going through the expense of a revaluation cycle is unnecessary. What matters in council tax valuation are comparative prices between different parts of the country. Those have remained unchanged for the last decade. That is why Northern Ireland has operated quite happily on valuations set 30 years ago and that is why Scotland's First Minister, Jack McConnell, has been at pains to make it clear that

"There are no plans for a property revaluation in Scotland for the council tax or for any other purpose".—[*Scottish Parliament Official Report*, 12 May 2005; c. 16822.]

David Howarth (Cambridge) (LD): The hon. Gentleman is making an interesting speech, but is he saying that he would never favour a revaluation? Would he support a revaluation if property prices were to diverge?

Mr. Pickles: I could not make it clearer that the Conservative party would support the abandonment of the revaluation. It is absurd to pursue revaluation when there is no divergence in the property market and the Government propose to postpone it. Why spend millions of pounds on a revaluation for no purpose? Would not that money be better spent in our schools, on teachers and children? Would the hon. Gentleman prefer that money to be spent on computer programmes?

The Minister for Local Government (Mr. Phil Woolas): In which case, why did the hon. Gentleman tell the House that

"Any council tax system inevitably requires some form of revaluation."—[*Official Report*, 2 February 2005; Vol. 430, c. 929.]

Mr. Pickles: That does not work. The Minister may recall the last opportunity we had to debate this issue, when I stood like a supplicant before the inquisition, confessed that I had made a mistake and apologised to the House. Where is the gracious response from the Minister? He should encourage such forthright confession. I admit that I was fooled, but I have realised that the emperor is naked and a revaluation would be pointless. People should be prepared to admit when situations have changed. The Minister presumably wishes to try to persuade me that the emperor is wearing a handsome suit.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): As it appears that hon. Members on both sides of the House are making a virtue of making U-turns, can the hon. Gentleman tell us why he is not prepared to take his logic further? When a property changes hands it is subject to revaluation, so why does he not propose that that should also cease?

Mr. Pickles: Because that falls within the existing rules and, over a period of time, there would naturally be a change. I understand why the right hon. Gentleman wants to pursue the original policy. Indeed, in my mind's eye, I can see the great handover between him and the Minister of Communities and Local Government. There may have been a glass of sherry. Pleasantries were uttered and, to be helpful, the former Minister handed the new Minister an envelope—*[Interruption.]* The Minister says that it was a six-course dinner. How very new Labour. No doubt there was a choice of wines.

To be helpful in a time of trouble, the right hon. Member for Greenwich and Woolwich told the Minister, "I'll leave you some advice. I'll leave you three envelopes." The Minister made the mistake of opening the first two envelopes, which said, "Blame me", and "Send things to a restructuring committee." The Minister has only one envelope left, and he knows what it says—"Prepare three envelopes".

Dr. Alan Whitehead (Southampton, Test) (Lab): I have listened to the hon. Gentleman's arguments carefully both today and in previous debates. Is he saying that he stands by everything in the Conservative Government's introduction of council tax, including the consultative paper, "A New Tax for Local Government", which certainly mentioned rebanding and revaluation? Does he stand entirely by that, except for revaluation, or is he suggesting that there should be a new council tax or a completely new tax? If so, it would be interesting to hear what it is.

Mr. Pickles: I think that I can rely on the assessment of the incoming new Labour Government. Perhaps I may be permitted to quote from their document "Modern local government: in touch with local people", which states:

"The council tax is working well as a local tax. It has been widely accepted and is generally very well understood. This has been borne out by the responses received to the consultation paper."

We have established that the same level of valuation has existed in Northern Ireland for 30 years. Scotland will have none of it, while Wales has seen the effect of revaluation, which I suspect played a part in the Government's decision to make a U-turn. However, the full effects of revaluation in Wales have yet to be felt. In 2005–06, initial bills were kept down by transitional relief to limit sharp increases, yet most of that relief is for only one year, meaning further automatic tax hikes next year. Relief is to be phased out completely within three years. Why should the Welsh have to suffer when the English are temporarily spared? When the postponement Bill is debated, we shall move amendments to retain transitional relief for Welsh revaluations until decisions in England have finally been made.

David T.C. Davies (Monmouth) (Con): I thank my hon. Friend for pointing out that people in Wales are being treated as second-class citizens in the United Kingdom. Over the past few years, they have been confronted with council tax rises of up to 130 per cent. as a result of the Labour Administration in the Welsh Assembly. Will he do everything possible to ensure that our motion is carried and that Wales is treated fairly, in line with the rest of the UK?

Mr. Pickles: My hon. Friend makes a powerful point. What happened in Wales demonstrates clearly what would happen in England. The Conservatives are determined not to abandon the Welsh people.

Mrs. Maria Miller (Basingstoke) (Con): Is not the simple truth that council tax rebanding is just another stealth tax? In my constituency, there will be a double whammy. House price increases are up to 13 per cent. higher than the regional average over the past year and all those houses will face rebanding, with bills soaring by more than £300 a household. At the same time, Hampshire county council is warning of an inflation-busting council tax rise next year because it received one of the lowest grants in the country. Is not it time to scrap rebanding?

Mr. Pickles: My hon. Friend is right and makes a powerful point. Given the announcement of the postponement of that stealth tax, we might say that the stealth tax has fallen to a stealth axe.

Julie Morgan (Cardiff, North) (Lab): Is the hon. Gentleman aware that in Wales all political parties supported revaluation for this year, including the Conservatives and the Liberal Democrats? The measure had all-party support in the Assembly.

Mr. Pickles: I am certainly aware that, in the hon. Lady's constituency, council tax has gone up by eight times the rate of inflation, but there was a constitutional settlement in Wales—we had a devolved settlement—*[Interruption.]* The Under-Secretary of State, the hon. Member for Poplar and Canning Town (Jim Fitzpatrick), says from a sedentary position that that was not in our motion, but he will recognise that the House set up the National Assembly for Wales, so we should not shirk our responsibilities. It is a pitiful sight when Labour Members of Parliament and Assembly Members try to blame each other for those savage rises.

Lembit Öpik (Montgomeryshire) (LD): Although I accept that all parties recognised the principle of revaluation, does the hon. Gentleman agree that the real issue is Labour's inability to implement that process in anything that resembles a just and fair settlement? As a result, council tax has not only become random, but it hits the people—often the elderly—who can least afford to pay the increases.

Mr. Pickles: I shall certainly come to those points. The relationship between revaluation and its effects on total tax take and resource equalisation is something that I could go on about for hours, but I know that Welsh Members will want to make those points.

The costs of revaluation were spiralling out of control. In 2004, the Government estimated that revaluation would cost £108 million, but by 2005 the figure was £178 million, an increase of almost two thirds. Millions of pounds were lost before postponement and it is a criminal waste to continue the process and spend more.

As I demonstrated in my quotation from the Government White Paper, council tax was working well before Labour took over. It was well understood and was popular—if that is possible for a tax. Under the Labour Government, council tax has become deeply unpopular. That is hardly surprising with increases of 76 per cent., or when the Government cap councils that increase council tax by a few pence a week yet ignore others where the increase is in pounds, or when pensioners are being thrown into prison—*[Interruption.]* The hon. Member for Rhondda (Chris Bryant) may find the spectacle of pensioners with a previously unvarnished record languishing in our jails amusing, but I do not. It is little short of a disgrace that he and his hon. Friends forced pensioners into that position.

Mr. Mike Hancock (Portsmouth, South) (LD): Can the hon. Gentleman explain what his position was when he voted for the implementation of council tax? How did he imagine that increases in local government expenditure would be met in ensuing years? Did he think that council tax was a temporary measure, and if so what did he envisage would follow it?

Mr. Pickles: Unlike the hon. Gentleman I voted against revaluation. Indeed, I voted against it three times. The only substantial problem with council tax is its size. It is unpopular because it falls disproportionately on the backs of poor people. It is little short of a disgrace that a third of the increase in the basic state pension is taken up by higher council tax for a typical pensioner. The Government's increased use of means-tested benefits and complex application forms has resulted in reduced take-up of council tax benefit, which means that more people on lower incomes are paying higher council tax. Fewer than two thirds of eligible pensioners claim the council tax benefit to which they are entitled, compared with more than three in four before Labour came to power.

Thanks to the Audit Commission, we all know why council tax has risen since Labour came to power. There are three reasons: changes in the grant formula, the implementation of often unfunded Government initiatives, and national pay rates. Each year, the fiasco drags on; each year, it gets worse. The imbalance between local and central Government funding grows, which, in turn, will force Ministers towards crude, universal capping in the vain hope that the public's ignorance of the arcane details of council tax gearing will pass the blame for the unacceptable increases on to local authorities.

The public have rumbled the Government. A stealthy postponement of the revaluation will not hide the true responsibility for Labour's favourite tax. The Local Government Association forecasts a £1 billion shortfall next year. Ministers may try to gag the LGA for a couple of weeks so that the result of the survey is not discovered, but trying to push issue upon issue into the long grass will not work.

Sarah Teather (Brent, East) (LD) *rose—*

Huw Irranca-Davies (Ogmore) (Lab): Will the hon. Gentleman give way?

Mr. Pickles: I shall give way in a moment. I said that I wanted to make a little progress, and I have been very generous in giving way.

Those imbalances in the system and the effect of how a revaluation will hit the total tax take of each council are important. My hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) is not here, but I had the opportunity of going through his council's budget in some detail not so long ago. The more that that council raises in council tax because of the higher bandings that occur, the less it receives in grant and the more it must put up council tax, so the risk of capping is greater. That is not a sensible way to run local government finance.

I am very pessimistic about the Lyons review. I have no great hopes for its deliberations. After all, the Lyons review was originally set up as a device to avoid taking a decision. It was the ultimate long grass into which to kick the Government's balance of funding review. Just when the Government were beginning to hear the odd stirrings from the undergrowth, they gave it another substantial kick backwards, and we can still hear it pinging around the shrubbery. We have indications of the issues that Sir Michael is considering because we know that the Government are looking at them too.

Albert Owen (Ynys Môn) (Lab): The hon. Gentleman was talking about Wales and the fact that there was unfairness in the way that the council tax was made up and that it was unhelpful for some pensioner groups. The Welsh Assembly Government changed the

spending assessment to help the poorest local authorities, yet the Conservative group in the Welsh Assembly voted against that change. How does he square that circle?

Mr. Pickles: I shall give the hon. Gentleman a serious, non-partisan answer. I have rapidly come to the conclusion that council tax is too crude an implement to be used for social engineering—that goes to the heart of the dilemma—and in a few moments, I shall make some suggestions about how we can improve it. The situation has become complex and difficult. That is not a party political view.

Sarah Teather: The hon. Gentleman has identified the balance of funding crisis as a problem in the steep rises in council tax year on year, but what are the Conservative party's proposals for addressing that imbalance? What about localising business rates, for example?

Mr. Pickles: The hon. Lady has attended many debates in which we have given a whole list of measures, such as removing a lot of restrictions on local authorities and freeing them up. *[Interruption.]* That would make a significant difference, but I am about to make some other suggestions in a few moments if the hon. Lady will be patient and not just rely on interventions drafted by her researcher.

Huw Irranca-Davies: Will the hon. Gentleman put clearly on the record his view of the decision that was taken in the Welsh Assembly, where a proposal opposing revaluation could have been made by any Opposition Member, but not a single vote was registered in opposition to revaluation in Wales? Were his own colleagues—some of whom are present now, with a dual mandate—wrong not to vote in opposition?

Mr. Pickles *rose—*

David T.C. Davies: Will my hon. Friend give way?

Mr. Pickles: I spy the cavalry. Of course I will give way.

David T.C. Davies: I wonder whether my hon. Friend is aware that Members of the Welsh Assembly voted to support revaluation when they were specifically told by the Labour Minister responsible for local government that there would be as many winners as losers. They had no conception that she could have misled them by creating a system whereby one in three people were moved up by at least one band—two or three bands in several cases—and only one in eight went down.

Mr. Pickles: It is extremely unlikely that a Yorkshireman who represents an Essex constituency would ever aspire to become a Member of the Welsh Assembly, but after those two interventions, there is not a chance that I will do so.

Chris Bryant (Rhondda) (Lab): On an entirely non-partisan point, I should like to take the hon. Gentleman back to his earlier confession of his change in point of view, because it would be interesting to know more about it. There are some real problems with revaluation whenever it is undertaken. Often, it is not just the house price at a certain moment that is of importance, but how it has changed over the past three, four or five years. For example, in the Rhondda we had virtually no house price changes for several years, but suddenly over the past three years we have had dramatic changes in house prices. In the past year, they have gone up by 56 per cent. Sometimes, it can seem extremely unfair merely to base revaluation on a snapshot. I wonder whether the hon. Gentleman would like to reconsider the Tory party position. Although delay might be a good idea because we might need to ensure that any future revaluation is more sane than other revaluations that have happened, I merely point out to him that, in the Rhondda, quite a lot of people went down a band, not up.

Mr. Pickles: I think that council tax has gone up by eight times the rate of inflation in the hon. Gentleman's constituency, so I can understand the pain that he feels. However, the important point is not the relationship between individual properties in Rhondda, but how that affects the difference between prices in our constituencies and the relative values in the various parts of the United Kingdom. A revaluation should exist for the process of realigning the housing market, but the rise in the market is not out of line and is much the same as 10 years ago. I suppose that there was a time when it looked as though it was starting to get out of line. That is why we consider such things over a long period. A decent period is needed for the housing market to readjust.

Andrew Selous (South-West Bedfordshire) (Con): Does my hon. Friend agree that the debate is somewhat missing the point? It is not a question of preventing future rises in council tax. The current level of council tax is unacceptably high. Even if we introduced a system that pegged the current levels, it would not be good enough. We need to consider radical reform to reduce current bills.

Mr. Pickles: My hon. Friend is absolutely right. If the debate is missing the point, all I can say is that I am doing my absolute best. Ultimately, there would have been no U-turn nor any question of revaluation but for the fact that council tax has simply got out of control.

We know what Sir Michael is looking at because we know that the Government are looking at it. We know that Northern Ireland is being selected as a guinea pig, with discrete capital values, which would make the council tax more progressive and target social needs. In plain English, council tax bills in Northern Ireland will soar. Northern Ireland is being selected for another experiment that involves a variation on the council tax: the death tax, in which a deferred local tax bill can be paid by pensioners. Vulnerable people must either forfeit their children's inheritance or face the prospect of bailiffs at the door.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Oh no.

Mr. Pickles: Yes—another smash-and-grab raid against middle England's savings. Only the Labour party and the Minister of Communities and Local Government could find ways to pursue poor people

[Mr. Pickles]

beyond the grave—*[Interruption.]* Apparently, it is suggested from a sedentary position that the Under-Secretary is at fault. Nevertheless, the right hon. Gentleman must accept some responsibility.

We know that the Government are examining information technology as a way of bringing in more money. They sent out a questionnaire on tax rebanding to IT firms in which they asked about four additional council tax bands and higher band multipliers so that people in higher bands would pay more money, although the band of their properties had not changed. They have suggested cutting eligibility for discounts and exemptions. They have also considered discount schemes to cushion millions of council tax payers who move up two or more bands. The Government claim that the suggestions are not proof of likely reforms, but if that is the case, why are they asking such questions?

The Lyons review is just another depressing example of the ping-pong between structure and finance. We seem to go through a process of trying to change the way in which local councils are financed or structured. Revaluation and regionalism are two extremes of the massive ping-pong process. That is a great pity, because changes in local authorities are taking place without anyone really understanding their impact. Strategic partnerships and local area agreements clearly show how adaptable local authorities can be.

I firmly believe that function and finance are two sides of the same coin. If we were sensible, we would give local authorities the ability to share their sovereignty, responsibilities and resources. We would allow money to follow services and function to determine structure. Local authorities with a common concern could thus band together to provide better services for their electorates. It will be a good thing if Lyons recognises that change, but it will be bad if the review just leads to a further extension of the salami-slicing that has affected local government for so long.

Local government is one of the most adaptable of our institutions. We should give it freedom, and instead of trying to control the way in which local grant is distributed, we should allow money to follow services. We should work for local diversity. If we could do that, we would have the chance of building a real consensus, instead of worrying about the knock-on effects of one specific change.

For too long I have been listening to debates in this Chamber during which we have put together various schemes that have required transitional periods. Those periods become complicated, so another scheme comes along, which requires another transitional period that must be related to the first transitional period. That process must stop. We have an opportunity to give local government its head and some freedom, and that is essentially what new localism should be about.

1.23 pm

The Minister for Local Government (Mr. Phil Woolas): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's decision to postpone the revaluation of council tax in England in order that it may take full account of Sir Michael Lyons's further work on the functions of local government as well as its financing; supports the Government's extension of Sir Michael's terms of reference, which will enable him to review the strategic role of local government and therefore set any proposals for the reform of the funding system within the context of that role and of councils' accountability; recognises that the devolution settlement for Wales gives responsibility for council tax matters to the National Assembly for Wales, and that the context for rating reform in Northern Ireland is very different from that in Great Britain; refutes any suggestion that Northern Ireland is being used as a testing ground for reform in England; and looks forward to the final report of Sir Michael Lyons's inquiry which it is confident will provide a real opportunity for fundamental and lasting reform."

I am delighted that the Opposition have chosen to debate this issue. I was genuinely thrilled when I found out the date of the debate, because I now have the opportunity to put on the record the Government's future intentions on policy and to respond to criticisms that have been made outside the House. I genuinely welcome the debate.

The last time that we debated council tax in the House was 4 July. Since that date we have made an important announcement on postponing the revaluation, which was described by the hon. Member for Brentwood and Ongar (Mr. Pickles) and others—and, indeed, by my right hon. Friend the Minister of Communities and Local Government—as a U-turn. We were honest and up front about the decision, which I shall explain in some detail today.

The announcement of 20 September was important not only because of what it said about the revaluation exercise, but because of the extension of Sir Michael Lyons's independent inquiry. After reaching the decision to postpone the revaluation, we thought it right and proper for several reasons to make the announcement at that time, not least because the preparation work undertaken by the Valuation Office Agency could be stood down to minimise costs. The hon. Member for Meriden (Mrs. Spelman) has tabled questions about the matter and made points about it, but not all the money spent could fairly be described as having been wasted. The vast bulk of the money was for computerisation and data collection, and that work will be valid in the future. If we had continued the work and waited until the House had returned to make the announcement, she could have made such a charge.

Mr. Brian Binley (Northampton, South) (Con) *rose—*

David T.C. Davies *rose—*

Mr. Woolas: May I put the situation on the record, after which I will be more than happy to take interventions?

Given the importance of the announcement and the widespread interest in it, I regret that we were unable to make it when the House was sitting.

Mr. Binley: Will the Minister give way?

Mr. Woolas: May I put the background on record? Then we can move on to policy points.

My right hon. Friend the Minister of Communities and Local Government wrote at the time to all hon. Members with English constituencies to explain the decision. No discourtesy at all was intended to you Mr. Speaker, or to the House.

There has been a huge amount of posturing by the Government's opponents and a lot of misinformation has been produced about the revaluation decision and policy, so the debate is a useful opportunity to clear the air and get the facts straight before we debate the Bill to postpone revaluation, which received its First Reading on 14 October. Copies of the full text of the 20 September announcement are of course available in the Library. Nevertheless, I think that it is important that I set out fully what it says.

The House will recall that the Government appointed Sir Michael Lyons in July 2004 to carry out an independent inquiry into local government funding. He has made good progress with that remit and I should stress that the original remit stands. We have extended the remit, not replaced it. Sir Michael has discussed with Ministers his work so far. His initial conclusion is that well-founded recommendations on possible reforms to the funding of local government cannot sensibly be made in isolation from a proper consideration and understanding of the developing role and functions of local government, not only by central Government but by the population at large.

Sir Michael has made it clear that any proposals for reform of the funding system raise complex issues. The Government have agreed that they need to be set firmly and explicitly in the wider context of a clear and shared understanding of the role of local government and of the accountability of councils to service users, residents and taxpayers. It was for that reason that my right hon. Friends the Chancellor of the Exchequer and the Deputy Prime Minister extended the terms of reference of the inquiry.

The Government have agreed with Sir Michael that he will review, through a series of discussion documents, the current and emerging strategic role of local government in the context of national and local priorities for local services, including the implications of that for accountability. He will also review how the Government's agenda for devolution and decentralisation to local councils, together with changes in decision making and funding, could improve local services, the responsiveness of those services to users and, of course, local authorities' financial efficiency. In the light of that work, Sir Michael will address critical funding issues, including fairness, accountability, clarity, efficiency and effective management. He will produce his final report at the end of 2006. I know that when taking forward the new remit Sir Michael will want to work closely with local government as well as drawing on the assistance of Government Departments. I hope and expect that other parties present will participate in those discussions.

The additional work that Sir Michael will undertake will add value to the Government's current work on a strategic view of the role and functions of local government under the local vision programme, about which I shall say more later. It will also contribute to the comprehensive spending review 2007, which will set the path for local government funding for the medium term. To set the scene for that work, later this autumn Sir Michael will set out his preliminary thinking and publish research and analysis undertaken so far, drawing out the relationship between local government function and finance.

It is obvious to everyone that the future of local government is critical to the future of the country, of local communities and of individuals.

Mr. Binley: I thank the Minister for his kindness in giving w[illegible] I am in the business—or at least my business is in the business—of data collection, databases and related matters, and I can tell him that the average database degrades at a rate of 15 per cent. per year compound. Given that, does he accept that the data collected over the past two years will be almost totally useless?

Mr. Woolas: No, I do not. The hon. Gentleman regards that as a valid point, but he misunderstands the one that I was trying to make. Ministers, rightly, must listen to the advice of the Valuation Office Agency. The figures that I have put before the House in written answers and here today are the agency's figures and I have to take its advice. I doubt that the hon. Gentleman would like it if Ministers strode around pretending to be experts on software programming.

Mr. Pickles: The Minister will be pleased to learn that my question is not about software. He said that the research papers would be published in the autumn. The leaves are now falling; when does he think that autumn will have ended? Are we talking about next week, or some time in November, or will we have to wait until the actual end of autumn, which is 21 December?

The Minister of Communities and Local Government (Mr. David Miliband): It is a rolling programme. *[Laughter.]*

Mr. Pickles: A rolling autumn? That is a good one.

Mr. Woolas: Autumn is defined as the period before Christmas. My right hon. Friend the Minister of Communities and Local Government answered this question during oral questions a short while ago. The scene-setting report is expected this term, but we do not have a specific date. To be serious, Sir Michael's report is independent and the process that he follows is under his control.

Huw Irranca-Davies: I fully understand the logic of a wider remit for a full-scale review, but will my hon. Friend touch on how it relates to Wales, where local government functions are a devolved matter? Is a parallel process expected to take place in Wales? Will the Minister discuss the ramifications with the Secretary of State for Wales and the First Minister? Although the finances translate across England and Wales, the detailed restructuring of local government has significant implications from the point of view of the Welsh Assembly Government.

Mr. Woolas: My hon. Friend makes a valid point. Our policy is that matters relating to local government in Wales are, rightly, devolved. Having said that, there is a relationship, which is why I have been engaged in correspondence with my counterpart in Wales and why meetings are due to take place as the process unfolds. Whether the shape of the debate is the same in Wales as in England is a matter for Welsh representatives, but I am aware of the interaction between the two.

[Mr. Woolas]

I was outlining the importance to the country and to communities of the role of local government. That has to be placed in the context of our manifesto commitments to public service reform. From continuing the improvement in our schools to making social services more responsive to the people who use them, local government will be in the forefront of driving up performance. However, the communities that our local councils serve are growing ever more diverse, with a greater range of needs and higher aspirations than ever before. We should celebrate that, but we should also acknowledge that it means that local government's role will have to change along with the communities that it serves.

There are several pointers to that debate, in which we are now engaged. The local council must lead and represent the local area by harnessing the efforts of local people and representing their interests. It must lead the community through building partnerships with other local service providers, voluntary and community groups and the private sector. Hon. Members may know that every area in England will have a local area agreement by April 2007. In my view, local area agreements, whereby councils come together with other public service partners, the voluntary and community sector and the private sector to serve their area in a joined-up way, are a significant development in local government—one of the most significant developments since the second world war.

The debate on the role of local government within the local area agreement takes place alongside other debates—for example, the debate on neighbourhood and community empowerment, the debate on how we achieve a step change in service delivery to users, and the debate on how we involve the disadvantaged and improve services to them as well as to everyone else. Those significant local government changes are in the pipeline, which is why the decision to postpone the revaluation was the right one.

Andrew Selous: Does the Minister agree that the test of the worth of local area agreements will be based on highly practical issues—for example, the junction between the medical assessments of children with special educational needs and the services that they receive? Such children often cannot get the assistance that they require because the bodies involved do not communicate. Only if my LAA deals with specific issues such as that will I think that it is worth while.

Mr. Woolas: I agree. I think that it was Chairman Mao who said that the goat that belongs to everyone starves to death. That is never more true than in the context of local services.

David T.C. Davies: Will the Minister give way?

Mr. Woolas: May I finish my Chairman Mao analogy before the hon. Gentleman mis-times another intervention? I hope that he is not about to throw Leon Trotsky back at me.

The point made by the hon. Member for South-West Bedfordshire (Andrew Selous) is a serious one. Local area agreements help to join services together and ensure that objectives are shared. Crime can be tackled better if the police have the active co-operation and participation of other public service agents, such as schools, the probation service and local councils. That type of change is being driven forward in parts of the country and the best examples are showing the way to others. Sir Michael Lyons said on that subject:

> "One of the strongest conclusions emerging from my work to date is that well-founded recommendations on possible reforms of the funding of local government need to be based on a clear understanding of the expectations and responsibilities of local government, which continue to change".

In other words, the responsible thing to do is to put reform of finance after the debate on reform of role and function.

Mr. Raynsford: I have been listening carefully to my hon. Friend and I understand entirely his point on the need for a wider remit for Sir Michael. Does he accept, however, that Sir Michael was not convinced of the case for a postponement of revaluation of longer than one year? Sir Michael has stated on the record that he understood why Ministers would seek to postpone for one year, but, by inference, he is not supportive of the Government's position.

Mr. Woolas: In fact, Sir Michael did not even go that far: he said only that there was a case for postponement of a year. I acknowledge that he did not recommend a postponement such as the one that we announced. I hope that we have never given the impression that we are hiding behind Sir Michael. We have extended his remit because it is the job of Government to ensure that reviews of financing such as his complement other areas of public service reform and wider social and economic policy. The advancement of local area agreements to ensure that they cover the whole of England by April 2007 is a significant step change in our policy that builds on the tremendous work of my right hon. Friend.

Sarah Teather: I agree that local area agreements are a sensible and practical way of joining up things that have been divided because of the way in which central Government organise their financial regime for local authorities. Surely, however, local authorities themselves should join things up? If we allowed local authorities more flexibility to think across portfolio areas, we would not need mechanisms at the other end to join things up.

Mr. Woolas: We would all agree with the sentiments behind that, but, although I hate to use the word, the hon. Lady is being naive. Of course, it is desirable that public service agencies work together and there are many good examples of them doing so. Local strategic partnerships existed for many years before Government guidelines were issued, and the best ones work well together. Public services use taxpayers' money, and the review is predicated on the belief that the funding system is not as fair as it could be. If we give that responsibility to local authorities, as devolution allows, we have to give them the financial mechanisms to work

meaningfully with public sector partners. The hon. Lady has clearly never read Chairman Mao, who was absolutely right about that.

Sarah Teather: No, I have not read Chairman Mao.

Mr. Woolas: That probably says more about me than it does about the hon. Lady.

Several hon. Members *rose—*

Mr. Woolas: I will accept one more intervention before turning to the specifics of council tax revaluation. I have a duty to the House to do so before drawing my speech to a close.

Mr. Betts: Further to the question about deferral asked by my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford), has revaluation been postponed so that it can be implemented at the same time as any changes arising from the Lyons review—it will probably take four to five years in the legislative process to bring such changes into effect—or are the Government simply delaying and deferring revaluation until they know what Lyons is going to report on? Perhaps revaluation will start then pending any further changes.

Mr. Woolas: My hon. Friend's question allows me to put the situation on the record again. In the statement announcing the postponement of revaluation, we made it clear that we did not believe that revaluation would take place during this Parliament. We went no further than that, and it is for Parliament to decide the future. Second Reading of the Council Tax (New Valuation Lists for England) Bill is imminent, giving us an opportunity to debate these issues in more detail. The decision rests with Parliament but, none the less, the Government's policy is that revaluation has been postponed, not cancelled. The exact timing partly depends on any actions that may arise from the recommendations of the Lyons report.

It is right to maintain a fair alignment between house prices and council tax bands. The case for council tax revaluation is linked to wider questions about the structure of the tax and to the operation of council tax benefit. A number of other changes in the local government finance system are in the pipeline, including the move to three-year budgets, the review of the local government finance formula and the creation of a dedicated schools budget located in the Department for Education and Skills.

Ian Lucas (Wrexham) (Lab): Does my hon. Friend agree that one group suffers particularly badly from the way in which council tax is devised? By definition, housing association tenants do not benefit from the open market value increase of their property, so it is extremely unfair that they should be expected to pay towards that increase.

Mr. Woolas: My hon. Friend has made an interesting contribution. It is because of such questions that I put the other side of the coin, which opponents of the council tax rarely acknowledge. A substantial proportion—13 per cent., I believe—of income generated by council tax is repaid through the council tax benefit system. Indeed, a pensioner on guaranteed pension credit does not pay council tax—*[Interruption.]* The hon. Member for Cambridge (David Howarth) was trying to make a point, but I did not quite catch it. I am sure, however, that I will answer his concerns in a few moments.

The Government have decided that it would not be sensible to proceed with the current timetable for revaluation. Sir Michael's analysis so far has led him to conclude that there may be a case, as I told my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford), for a delay of up to a year in the implementation of revaluation. However, the Government concluded that the balance of advantage lies with allowing the flexibility to revalue as part of a fully developed package of funding reforms, rather than as a precursor to them, and at a moment of greater financial stability for local authorities. That is the background to the decision.

I should like to make the Government's position on council tax quite clear. First, as we said in our response to the balance of funding review, we accept that council tax should be retained but reformed. That was why we appointed Sir Michael Lyons in the first place. Secondly, as I have said, we remain committed to council tax revaluation even though 2007 is not the right time for it. Council tax is related to property values. As we said in our 2001 White Paper, the Government fully recognise the importance of keeping property values up to date. That remains our position. We are postponing, not cancelling, revaluation. We need to ensure that we get revaluation and reform of council tax right, and that is why Sir Michael is conducting an extended inquiry. There was a great deal of unnecessary scaremongering by the Opposition about the effects of revaluation. Revaluation would not mean that individuals would pay more council tax just because their house had gone up in value. Nevertheless, many people believed that it would because of statements made to that effect. Many properties would stay in the same band. That has been made perfectly clear all along, despite reports that appeared in the press. Thirdly, the Bill that we have introduced and which we will debate in due course is simply concerned with timing requirements. All the other provisions are unaffected. I trust that the Bill will receive the full support of the main Opposition party, as it is keen to cancel the 2007 revaluation.

I must now address some myths and accusations about council tax. The Government are often accused of letting council tax rises get out of control. That accusation misses an important point. It is local councils that set council tax levels, not the Government. We have reserve capping powers, which we have used to deal with excessive increases over the past 2 years. There is no excuse for excessive council tax increases, but we should not confuse the principles of the council tax with council tax increases. There is an important difference.

Several hon. Members *rose—*

Mr. Woolas: I am afraid that, to be fair to hon. Members who wish to make speeches, I do not have time to give way.

[Mr. Woolas]

Since coming to office, the Government have provided local councils with grant increases of 33 per cent. in real terms. Local authorities know that we are serious about capping and that we will use those powers if we have to.

The Government are also accused of under-funding local authorities by not paying sufficient grant and by letting unfunded pressures build up, despite the 33 per cent. real-terms grant increase to local councils. We will shortly be announcing the provisional local government finance settlement for 2006–07. That will see a move to three-year settlements for individual authorities, with allocations for the authorities covering next year and 2007–08. We will also be announcing individual allocations for those two years for specific grants which it is possible to allocate in advance. For others, such as performance-related grants, it is not possible to do so.

After the considerable extra funds provided this year—an increase of 6.3 per cent. overall compared with last year—and the transfer of schools funding, the overall increase in formula grant for local authorities is likely to be lower than in previous settlements. However, it is important that the spending power that this grant will deliver for authorities is taken into account. Because of the shift to 100 per cent. Government funding of schools, council tax will fund more of the other local services, so unless the whole picture is looked at, the increase next year cannot be compared with grant increases in earlier years.

It is often said that the present system is unfair to pensioners. The Government recognise the concerns of many pensioners, particularly those on low or fixed incomes, about excessive council tax increases. However, as I have already said, it is local authorities, not central Government, that set the increases in council tax. Keeping council tax increases down is only one side of the coin; improving pensioner incomes is the other. We have already done a great deal in that regard, spending nearly £11 billion extra on pensioners in 2005–06, compared with 1997. On average, after allowing for inflation, pensioner households are about £1,500 better off this year than they would have been under the system that operated in 1997. The least well-off third of pensioner households are, on average, £2,000 better off.

We are providing money to pensioners specifically to help them pay their council tax bills. We gave £100 to households with someone aged 70 or over in 2004–05. In 2005–06 households with someone aged 65 or over will receive an extra £200. The money will usually arrive with their winter fuel payment and is in addition to that, unless they are receiving the pension credit guarantee. People getting the guarantee element of pension credit are already entitled to a 100 per cent. rebate of their council tax bills. Households with someone aged 70 or over getting the pension credit guarantee will receive £50 to help with general living costs.

We need to look at both sides of the coin when we discuss the funding of local government. I look forward to the debate and I am keen to hear hon. Members' views as a contribution, I hope, to a serious consideration of the future role and function of local authorities. The Government are firmly committed to developing strong local government, given its vital role in improving life for people in our communities, so that they are proud to live there. That is the goal of our policy. I invite everyone to embrace the opportunity that the Government have provided to support Sir Michael Lyons in the next phase of his work, and to help him and us to ensure that a sustainable and secure funding base supports the changing and challenging role of local government, which is being developed.

1.54 pm

Sarah Teather (Brent, East) (LD): The Conservatives have accused the Government of confusion over revaluation, but as the debate has been relatively good natured, let me give the Labour Government credit. They have been consistently in favour of revaluation until a few weeks ago, when they did a giant U-turn, more out of political cowardice than out of ideology. The Conservatives, on the other hand, have held half a dozen diametrically opposed positions over the same period, with no obvious guiding ideology, and as we heard again from their Front-Bench spokesman today, the hon. Member for Brentwood and Ongar (Mr. Pickles), no obvious views about how local government finance should be reformed in future.

Let us consider Labour's record. When the council tax was introduced, countless Labour shadow Ministers argued passionately that a property tax required a revaluation in order to be valid, as we heard again today. Fast-forward to 1998 when the Labour Government were in power and produced a White Paper, "Modern Local Government". Their position then was essentially that revaluations are necessary, but not yet. Four years later, in 2002, the Government decided that the time had come. The Local Government Bill set out a timetable for revaluation in 2005 in Wales and 2007 in England, and every 10 years thereafter.

A few weeks ago, as we know, the Government got extreme cold feet about the political repercussions of revaluation and retreated to the comfort of the old position. As the Minister for Local Government told an audience yesterday at the meeting of SIGOMA—special interest group of municipal authorities—in the House of Commons, the Government postponed revaluation only after analysis demonstrated that there would be about 2.2 million losers as households moved up one or more bands. They predicted that the money that would need to be set aside for appeals could destabilise local government finances altogether. I guess their position remains, "We need revaluations, but not now, please. Not on our watch."

Sadly, Wales has not been quite as lucky. We argued for the Welsh Assembly to have powers to introduce primary legislation so that it could, for example, abolish the unfair council tax system, but the Labour Government would not give such powers to the Welsh Assembly under devolution. Revaluation was therefore foisted on Wales by the Government in the 2003 Local Government Bill. Wales was used as an experiment, just like Scotland for the poll tax. The experiment has gone horribly wrong.

Ian Lucas: I think there was an inadvertent slip in what the hon. Lady said. The timetable was not in the local government Bill or the Act passed by this House. The timetable for revaluation was chosen by the

National Assembly Government, and the Liberal Democrats were in coalition with the Labour party in that Government at the time.

Sarah Teather: The hon. Gentleman is right that the Welsh Assembly decided to bring forward its decision to revalue, but the decision on revaluation was made in this Chamber. We have argued consistently for the abolition of council tax and its replacement by a local income tax.

David T.C. Davies: Will the hon. Lady give way?

Sarah Teather: No. A third of households in Wales—

Dr. Julian Lewis (New Forest, East) (Con): Will the hon. Lady give way?

Sarah Teather: In a moment.

A third of households in Wales went up a band, whereas fewer than one in 10 went down—not one in eight, as I heard earlier. One house went up six bands. While Labour has postponed the unpredictable misery of revaluation in England, people in Wales face the prospect of losing the transitional relief next year, so the full impact of revaluation will be felt.

The burden of local tax in Wales has moved from low house price areas to high house price areas, irrespective of income. That is the point. That is what happens when there is an unfair property tax. It is a reason not for cancelling revaluation, but for cancelling the tax itself.

Jenny Willott (Cardiff, Central) (LD): As my hon. Friend said, there are fundamental problems with the council tax that cannot be solved with sticking plaster. May I clarify the figures? In Wales, one in 12 houses went down in the rebanding and one in three went up, but does my hon. Friend agree that that does not necessarily tell the whole story? In constituencies such as mine in central Cardiff, in certain areas nine out of 10 houses went up at least one band and some went up two, three or four bands. That shows that—

Madam Deputy Speaker (Sylvia Heal): Order. Interventions must be brief.

Jenny Willott: Indeed, Madam Deputy Speaker.

Does my hon. Friend agree that the only fair way to redress the balance is to scrap the council tax and introduce local income tax in accordance with the ability to pay?

Sarah Teather: I agree, and I stand corrected on the figures. I give way to the hon. Member for New Forest, East (Dr. Lewis), who has been waiting patiently.

Dr. Lewis: The hon. Lady has almost answered my question already. In the run-up to the general election, her party's Treasury spokesman admitted that under local income tax, households with two or more wage-earners would pay more. In my constituency a household with two wage-earners would pay £721 more, which was one of the reasons why my majority massively increased over the Liberal Democrats. Can she confirm that she will remain consistent and support local income tax for the indefinite future? We should love her to do so.

Sarah Teather: I happily confirm that we shall be supporting local income tax for the indefinite future. Just to clarify, it was never said that two-earner households would do worse. Some will. Those who earn considerably more than the average will do worse, and we have never hidden that. This is a progressive taxation system. Some do better; some do worse. That is the point. What about the Conservatives? Could it be that rather than accusing the Government of being confused on the issue, it is the Opposition who are confused?

Mr. Binley: Will the hon. Lady give way?

Sarah Teather: I will give way in a moment.

If we look back to 1991, we will discover that when council tax was introduced the Conservatives believed, as was stated earlier by the Opposition spokesman, it would never need revaluation because of the banding structure. The then Secretary of State for Scotland, Mr. Ian Lang, said:

"The banding system irons out much of the effect of relative changes in property values within an area which, under the rating system, brought regular pressure for revaluation."—[*Official Report*, 12 November 1991; Vol. 198, c. 918.]

But in 2003, the hon. Member for Brentwood and Ongar changed his party's mind. Responding to the debate on the Local Government Bill, he said:

"We recognise the need periodically to revalue properties for the purpose of council tax . . . We support the revaluation being made on a regular and predictable basis."—[*Official Report*, 7 January 2003; Vol. 397, c. 64–65.]

A month later, his colleague the hon. Member for Cotswold (Mr. Clifton-Brown), a party spokesman on housing, argued for five-yearly revaluations in Committee on the Bill. Then the Bill moved to another place, and Lord Hanningfield, the Conservative spokesman, proposed no revaluations at all. The reasons he gave were interesting. He said:

"council tax is regressive. Its impact on people on a low income is greater than its impact on people on a high income. I accept that as a fact."

He went on to say:

"The value of property seems . . . to be an unsafe proxy for the ability to pay". —[*Official Report, House of Lords*, 17 July 2003; Vol. 651, c. 982.]

Those are arguments that the Liberal Democrats have been making for nearly 15 years.

Mr. Pickles: Will the hon. Lady give way?

Sarah Teather: I will in a moment.

Lord Hanningfield was defeated and revaluation stayed in the Bill. But the Conservatives did not seem to mind. They had flip-flopped again, and on 2 March 2005 the hon. Member for Meriden (Mrs. Spelman), who is no longer in her place, told the House:

"Of course we understand that a property-based tax has to take account of changes in the value of property".—[*Official Report*, 2 March 2005; Vol. 431, c. 991.]

She then changed her mind again fairly promptly, declaring on 20 April that the Conservatives would cancel the 2007 revaluation.

For those who have not been paying attention, that is six separate positions on council tax revaluation: no revaluations, some revaluations, more revaluations,

[Sarah Teather]

no revaluations, some revaluations, then no revaluations again. At that point, I will give way to the hon. Member for Brentwood and Ongar.

Mr. Pickles: Will the hon. Lady confirm that on three separate occasions the Liberal Democrats voted in favour of revaluation, and on those three separate occasions the Conservative party voted against? It is a matter of record.

Sarah Teather: There has never been a specific vote on revaluation in the House. We supported the 2003 Local Government Bill because we supported much of what was in it, but there was never a proposal on revaluation. It cannot be claimed that we have not been clear on the council tax point. In every debate on the subject in the House we have said that we do not want a council tax, we want a local income tax. The Conservatives simply cannot accuse us of not being consistent on this point.

Mr. Binley: The hon. Member for Twickenham (Dr. Cable), I think in September, said that if there were two full-time earners in the house, they would pay more council tax. Does the hon. Lady recognise that a sizeable number of two-earner households are young married people, and will she therefore confirm that the Liberal proposals will mean that they will pay more in local income tax?

Sarah Teather: The hon. Gentleman must have taken a highly selective quote from my hon. Friend the Member for Twickenham (Dr. Cable). It depends entirely on how much the two earners are earning and how big is the house in which they live. He must accept that under the council tax system at the moment, many two-earner households, with a combined income of £15,000 or £16,000, are paying over £1,000 in council tax. It would be a very different situation under a local income tax.

Mr. Pickles: The hon. Lady made the astonishing statement that there had been no votes in Parliament when the Liberal Democrats had voted in favour of revaluation. I draw her attention to 10 September 2003, 17 July 2003 and 10 March 2003. Would she now care to withdraw that rather ridiculous assertion, which, frankly, does nothing to add to the dignity of her Front-Bench status?

Sarah Teather: The hon. Gentleman will have to demonstrate the detail of that to me outside of the debate. I was not in the House at that stage. My understanding is that the Liberal Democrats voted in favour of the 2003 Bill and there have been no detailed proposals on revaluation. We will discuss that on another occasion. The hon. Gentleman will have to be clear that I cannot address the detail of his concerns now.

The Conservative position has been a flip-flop all over the place, and I find it dizzying to explain. In contrast, the Liberal Democrats have been entirely consistent.

Adam Price (Carmarthen, East and Dinefwr) (PC): Will the hon. Lady give way?

Sarah Teather: Not for the moment, no.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. The hon. Lady has said that she is not prepared to give way.

Sarah Teather: Thank you, Madam Deputy Speaker.

Let us go back to 1998 when the Conservatives were casting around for a replacement to the rates. We suggested one: local income tax. Then there was the poll tax, which we also opposed. We argued for a local income tax. Instead we got the council tax, which we opposed. We argued for a local income tax. A theme is developing here. In fact, we have been arguing for a local income tax for more than 20 years. It has been in every Liberal Democrat manifesto since 1983.

When council tax revaluation came on the scene in debates on the Local Government Bill, my hon. Friend the Member for Kingston and Surbiton (Mr. Davey) remarked:

"They should abolish the Tory council tax—the real reform that the country needs."—[*Official Report*, 7 January 2003; Vol. 397, c. 71.]

When the Conservatives proposed, in another place, scrapping revaluation, my colleague, Baroness Hamwee, responded succinctly:

"the noble Lord identifies the problem but the solution is entirely wrong. Let us scrap council tax. That is all I need to say."—[*Official Report, House of Lords*, 17 July 2003; Vol. 651, c. 977.]

The Conservatives have tried to suggest that we have been inconsistent on revaluation, but we have not. It is simply fairly incidental to us. If there were no council tax, there would be no revaluation. Or to put it another way—revaluation or no revaluation, council tax is a terrible tax that must be scrapped.

It is worth rehearsing the evidence of council tax unfairness once more, jut to make sure that people have the whole point. It is easy for people to forget the reality for people struggling on low incomes or fixed pensions who find it difficult to pay their bills each month. Many people come to my surgeries each week asking which bill they should pay first—their water rates, their rent or their council tax. It is easy to forget what this means to real people's lives.

Council tax penalises the old and the low paid. Remember, it was brought in as a replacement for the poll tax—the most regressive system imaginable. It was only in contrast to the poll tax that council tax appeared to have an element of fairness and was accepted by the British people. Nearly 15 years on, it has become painfully apparent that council tax is not a fair tax. That is why there are protests, demonstrations and petitions up and down the country and in this place. That is why pensioners feel the need to go to prison in protest rather than pay their bill. Council tax is Britain's most unfair tax. The Conservatives invented it, so it is hardly surprising that they still think it is good enough. But it is a tax that Labour should be ashamed of. The poorest 10 per cent. of pensioners pay nearly 10 per cent. of their income in council tax, and that is after council tax

benefit. Up to 1.8 million pensioners do not claim the benefit that they are entitled to, often because the forms are so baffling and humiliating.

Mr. Raynsford: The hon. Lady said something that I find impossible to let pass. She said that the poorest pensioners would pay 10 per cent. of their income on council tax, and that is after council tax benefit. She must know that the poorest pensioners receive 100 per cent. rebate for council tax. How then can they, after council tax benefit, be paying 10 per cent. of their income?

Sarah Teather: The poorest among those who pay council tax and who claim the benefit still pay a larger proportion of their income than the richest in the population, so the calculation is perfectly acceptable.

As I have said, a couple who are living on as little as £16,000 a year—they might work full-time on the minimum wage—could still find themselves paying more than £1,000 a year in council tax. How can that be fair? How can a Labour party member defend that situation? The poorest 20 per cent. Spend four times as much of their income on council tax as the richest 20 per cent. A pensioner couple on a modest pension could find themselves paying as much council tax as an investment banker who lives next door. Earlier this year, the "Gloucester Citizen" newspaper uncovered the case of a retired farmer who makes ends meet by running a bed and breakfast, and who pays more council tax than his near neighbour, Prince Charles. It is staggering that a Labour Government can stand up in this House year after year and defend the Tory tax.

Reading the debates from 1991–92, when the council tax was introduced, has been an education. The Labour party used to make a convincing case that it cared about the poor, working people struggling on low incomes and pensioners. What did Labour Members say when the council tax was introduced? The right hon. Member for Sheffield, Brightside (Mr. Blunkett) called it a "pig in a poke" tax—I am not sure what that means, but it does not sound very nice.

Mr. Binley: If the hon. Lady gives way, I will explain.

Sarah Teather: No; I think that the House can probably do without that.

The then shadow Secretary of State for the Environment, Brian Gould, who is no longer a Member of this House, said:

> "Why are the Government . . . skewing their new proposals so that the richest are protected from paying their fair share? Do not they realise that every pound that the rich do not pay will be added to someone else's bill—the bills of precisely the same people who were so hard hit by the poll tax?"—[*Official Report*, 23 April 1991; Vol. 189, c. 904.]

Mr. Betts: Returning to the issue of fairness, will the hon. Lady explain how foreign national millionaires living in this country, who currently pay council tax towards the local services that they receive, will pay anything under her proposal?

Sarah Teather: I am happy to do so—such people would be taxed on business rates under a second home system. *[Interruption.]* We have made the proposal time and again. If the hon. Gentleman wants more detail, he can go to our website, where we published the detail in February this year.

The questions raised by Brian Gould are still valid, yet the Labour Government, who were elected, as the Prime Minister told us in May 1997

> "to champion the cause of the forgotten people",

decided that council tax did not need reforming after all.

Labour's record on local government is not, as the Conservatives have claimed, one of confusion—it is one of broken promises. What about the promise to re-localise business rates, giving councils financial freedom and an incentive to foster business in their area? Eight years in, and all Labour has managed is the catchily named local authority business growth incentive scheme. Thanks to the delay of the Lyons review, any hope of proper reform has been postponed into the next Parliament.

I do not think that the spin about extending the Lyons review and tying it in with yet more reforms and proposals will amount to anything very much, because the truth is that local government reform has been kicked into the long grass. That refusal to grasp the nettle of financial reform for local authorities is proof both that new Labour has lost its supposed commitment to social justice—it does not care about the families who struggle week after week to pay their council tax bills—and that its new localism is nothing more than a gimmick.

Freedom and autonomy for councils is only possible with a wholly reformed financial regime. The Government's freedoms and flexibilities agenda is nothing without the one freedom that must precede them all—the freedom for councils to raise and spend their own money. However, the Government see fit to retain a system that cripples councils by making them dependent on central Government for most of the money that they spend, and councils too often have no choice over how much they raise in council tax because of the crude capping system, which Margaret Thatcher introduced, but which this Labour Government operate with great zeal—earlier this year, we saw that zeal in the House. That means that all the Government's rhetoric about devolution is just hot air.

The Lyons review is supposed to consider the functions of local government, with the suggestion that more powers and responsibilities might be devolved. Last week, however, we discussed new structures for police services, fire services and health services. By the time that the Lyons review reports, every service that could be placed under local authority control will have been restructured into a new set of quangos. The only thing that will be left for Lyons to do will be to nationalise the education system and tear the very heart out of local government.

Labour spent 18 years in opposition arguing that local government should be given more power and that local democracy is at the heart of improving public services. All we have now, however, is the freedoms and flexibilities agenda, which everybody knows is about centralising praise and devolving blame.

Mr. Philip Hollobone (Kettering) (Con): The motion highlights the Conservative party's desire to curtail the growth of regional government. The hon. Lady has not

[Mr. Philip Hollobone]

mentioned regional government, the Liberal Democrats' enthusiasm for regional government or the impact of regional government on council tax bills in the future.

Sarah Teather: I will discuss that point at the end of my speech, so the hon. Gentleman must listen carefully.

What would we do differently? We would localise business rates to give councils real financial freedom; we would give councils control—not some opaque right to be consulted or right to co-ordinate a strategic partnership between key stakeholders—over the services in their area; and we would end Whitehall micro-management, targets, capping and inspections and the centralisation of decision making. At the heart of our local government reforms would be the tax change that we have been talking about for 20 years—local income tax.

Dr. Whitehead: Does the wonderful new world that the hon. Lady is setting out include the equalisation of resources against the ability to raise money? Do her plans include the idea that money comes from central Government to local government in order, among other things, to equalise those authorities that have higher resources with those that have lower resources?

Sarah Teather: Absolutely. Any system of local taxation must include some form of equalisation, although we advocate a simpler system than that used at the moment.

Local income tax would be fair, progressive and simple. It would also be cheap to administer, saving more than £300 million a year in administration costs, so it would be a lot better for the average family. An average family on an average household income of £23,000 a year that pays an average council tax bill would pay £450 less under our proposal. Six million pensioners would pay nothing at all, because their incomes are so low that they do not pay income tax. Local income tax would also encourage people back into work. At the moment, people returning to work lose about 20p of council tax benefit for every pound that they earn. Under local income tax, they would pay less than 4p.

Adam Afriyie (Windsor) (Con): Will the hon. Lady give way?

Sarah Teather: No; I want to finish.

Crucially, local income tax would allow us to shift the balance from national to local taxation, solving the balance of funding crisis and giving councils the freedom to raise and spend their own money.

In conclusion, we will vote with the Conservatives today. *[Interruption.]* Conservative Members are so disappointed by that. We, too, regret the Labour Government's decision to delay revaluation, rather than to cancel it altogether, and we want them to scrap the unfair council tax. The situation in Wales is completely unfair and untenable, and Wales, too, should have a local income tax. We agree with the Conservatives that the Government's vision of increasingly powerful unelected, unaccountable regional government should be curtailed. Unlike the Conservatives, however, we have a clearly laid out policy on local government financial reform, and it is time that the Labour Government had a policy to match it.

Madam Deputy Speaker: May I remind all hon. Members that Mr. Speaker has imposed a 10-minute time limit on speeches by Back Benchers?

2.19 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I was delighted to hear the name of Chairman Mao mentioned this afternoon. The Conservative policy spelled out by the hon. Member for Brentwood and Ongar (Mr. Pickles) could be summed up aptly by Chairman Mao's dictum, "Let a hundred flowers bloom", which, as hon. Members will know, was his campaign slogan in 1956, with unfortunate results.

The hon. Member for Brent, East (Sarah Teather) set out the Liberal Democrat policy, which reminded me of Chairman Mao's campaign shortly afterwards—the great leap forward. She will remember the phrase that he used then was, "A smelter in every back yard", which was to solve all the problems of Chinese industry by itself. We have been offered two alternative visions of local government which are not visions, are not alternative and do not address the real issues.

I am sorry that the hon. Member for Brentwood and Ongar did not cash in his promise to say something about what a Conservative Government would do about council tax. After all, the motion says that the Conservatives would cancel council tax revaluation in England. If we want to find out more about what the Conservatives' policy might be, we should perhaps look at their manifesto for the last local government elections, when they did indeed say that they would cancel council tax revaluation in England. They also said that they would not introduce any new or higher bandings; that they would block any taxes other than the council tax coming into the local government arena, so they would have only that as a method of raising money for local government; and that they would, despite all that, provide above-inflation funding and cut waste, red tape and bureaucracy,

"enabling councils to keep council tax down."

That implies, although the hon. Member for Brentwood and Ongar did not say so, that they would keep the council tax despite making no changes to it whatsoever. In the next paragraph of their manifesto, they stated:

"We will deliver £2.3 billion of savings from central government and £4.4 billion of savings that local councils can make themselves to reduce their costs and ease the burden of council tax."

However, they did not say that, in addition to the severe cuts in local government spending that that would represent, a good proportion of the savings from central Government would be the grant that went to local government in the first place, enabling local authorities to keep council tax down by equalising the cost of council tax. In other words, council tax would have gone straight up had the Conservatives got into power. Not only that, it would have been retained with no possible way of ameliorating the problems that arose when it was first introduced in 1993.

It was clear during the passage of the legislation that brought in the council tax that, all things considered, the principle of some form of property tax is not a bad method of raising funds for local government expenditure, because properties cannot move and the tax is easy to collect.

David Howarth: The hon. Gentleman says that the council tax is a property tax, and in one sense that is so. However, millions of people—council tenants and tenants of housing associations—are paying the tax on the value of somebody else's property. Does he agree that there is sometimes confusion between a property-based tax and a wealth tax, and that the council tax is not the latter?

Dr. Whitehead: It is true that council tax as a tax on property does not bear an exact relationship to wealth, but neither does a local income tax, given the way in which it might be collected. On the other hand, a local property tax can define what are the properties in a particular area and collect the funds from them in an easy and straightforward way. The amount of evasion under the poll tax compared with the council tax differs by an enormous order of magnitude.

If we agree in principle that a property tax might be a way forward in collecting taxes for local government, it is inevitable that we have to revalue its basis from time to time. One cannot, as the Conservatives apparently do, support a property tax without accepting that it must reflect the way in which it is likely to be collected over a period of time. The idea that using bands means that one escapes from revaluation was one of the less well advised of those that were floated when council tax was first introduced.

What does one do about it? Despite what the Conservatives say, several things need to be recognised about council tax. It builds inflation into council tax demands by settling the amount of money that local government will have from central Government grant before the decision is taken on raising council tax locally, thereby introducing a gearing effect into local government spending in a way that is not structurally necessary. There is potentially a problem of inflation because revaluation means that people jump between bands, although one can get round that by attempting to organise a revenue-neutral rebanding. Perhaps a council tax that is not based on bands but on points is a more sensible way to proceed.

Business rates are capped at the rate of inflation, whereas council tax is not. Over a period of time, that draws the yield from business rates away from the yield from council tax and places a greater burden on domestic council taxpayers.

It is essential that, if a property tax is to be retained, the breadth of what needs to be done is clearly discussed and understood. Although I have my concerns about the difference between a deferral of revaluation and one that does not take place at all, we must get the detail right in the round, dealing with entitlement to council tax benefits alongside the issue of council tax as such. That is a constructive and responsible way forward for the council tax.

I am afraid that what the Opposition have offered us is a complete abdication of any interest or responsibility in the reality of how local authorities are funded. To use another far eastern metaphor, they are like members of the Japanese Socialist party in the 1950s, '60s and '70s, who were so convinced that the Japanese Liberal Democrats were going to win that they gave up even having policy conferences because they knew that their policies were never going to be implemented.

2.29 pm

Mr. Peter Bone (Wellingborough) (Con): Thank you, Madam Deputy Speaker, for calling me to speak in the debate, which is of great interest to my constituents. Wellingborough has experienced the largest increase—almost 400 per cent.—in council tax since it was introduced, whereas in the same period inflation increased by only a fraction of that. Despite that figure of 400 per cent., the Government want to increase the council tax even more through revaluation.

Incredibly, the Government have wasted £60 million on considering council tax revaluation and, after spending that money, have decided to postpone its introduction. That is typical of them. Their attitude is, "Forget spending money on core services like the fire service, the police or nurses. Let's spend it on bureaucrats and consultants." It would not be so bad if they had decided to scrap the revaluation, but they have postponed, not scrapped it. Revaluation will hit the elderly and the vulnerable hardest. How much more money will be wasted on consultants and advisers before proposals are presented to the House? Pensioners are suffering most through the excessive rises in council tax and pensioners would suffer most from revaluation.

In 2003, Mr. Martin Sterrow, a local pensioner, approached me. He, like many other pensioners in Wellingborough, was fed up with having to fork out year after year for huge increases in council tax while the rise in his state pension was a pittance in comparison. Mr. Sterrow was able to show me that the increase in his council tax was more than that in his state pension.

Some pensioners found it almost impossible to keep up their council tax payments and others were prepared to go to prison rather than pay it. Mr. Sterrow had never previously been involved in politics but felt so strongly about the issue that he wanted to do all he could to highlight the huge problem that Wellingborough pensioners faced in the amount of council tax that they had to pay.

For the past four years, I have run the Listening to Wellingborough and Rushden campaign, which actively seeks the views of local people, listens to their concerns and campaigns for change on their behalf. Before Mr. Sterrow and a group of local pensioners came to see me, I was aware of the big rises in council tax but I did not quite appreciate the extent of the detrimental effect on the lives of the elderly in Wellingborough. They explained to me that they were on fixed incomes and could not therefore keep up with the year-on-year increases in council tax while receiving only a small rise in their state pensions.

The quality of life of pensioners in Wellingborough was declining year after year. They were furious that the Labour Government had not restored the link between earnings and pensions.

Mr. David Burrowes (Enfield, Southgate) (Con): I am grateful to my hon. Friend for explaining how pensioners are hit the hardest by council tax rises. Will he join me in commending the many pensioners who attended the lobby of the National Pensioners Convention, which raised similar concerns? Does he agree that it is a great shame that we now have a new definition of poverty—council tax poverty—and that 1 million pensioners are in that category as a result of the Government's delays and dreadful treatment of pensioners and their council tax?

Mr. Bone: I agree with my hon. Friend. Although I was talking about Wellingborough, I appreciate that we are considering a country-wide problem. I urge the Minister to give a higher priority to restoring the link between earnings and pensions instead of worrying about council tax revaluation.

Mr. Sterrow organised a petition and he and other pensioners went from door to door, collecting more than 200 signatures. The petition asked the Government to correct the huge discrepancy between council tax increases and state pension rises. Leaflets were delivered and people were asked their opinion on the doorstep—all by those who had never done anything like it previously. That shows the depth of feeling in my constituency about the matter.

The Wellingborough pensioners and the listening campaign held two well-attended public meetings on the issue. The second public meeting, which local councillor Malcolm Walters organised, was attended by my hon. Friend the Member for South Suffolk (Mr. Yeo), who is a member of the shadow Cabinet, the leader of Wellingborough council, my hon. Friend the Member for Northampton, South (Mr. Binley), who was then the Cabinet member for finance at the county council and hundreds of local residents.

We presented the petition to my hon. Friend the Member for South Suffolk and asked him to raise the matter with the shadow Cabinet. He did that and I know that the leader of the Conservative party and the shadow Cabinet took our views into account. They adopted the policy of halving council tax for pensioners. That was the 50 per cent. discount that we mentioned in the general election campaign. I urge the Minister to adopt that policy to alleviate the current problems with council tax that pensioners face.

As part of my listening campaign, I regularly send out surveys to the people of Wellingborough and Rushden, asking what issues are most important to them. Council tax consistently appears as one of the biggest problems. After the return of one of the surveys, I had to ask my office to recount the answers because I could not believe the enormous response that we had received from people who said that council tax was their No. 1 concern. I detected through my listening campaign that council tax revaluation was a ticking time bomb, long before it became the national issue that it is today.

In my constituency, pensioners can barely keep up with their current council tax payments.

Mr. Betts: Does the hon. Gentleman accept that the policy of offering discounts to pensioners is regressive because the better-off pensioners, who pay the whole of their council tax, would get the whole discount, whereas poorer pensioners, who are on council tax benefit, would not get the whole discount. Such a policy would give more of the discount to better-off pensioners.

Mr. Bone: I am interested in the spin that the hon. Gentleman puts on that. It is clear to me that if we asked the pensioners of Wellingborough whether they wanted 50 per cent. off their council tax bills, they would be happy. The Government have placed many obstacles in the way of pensioners claiming relief—many pensioners who should get relief do not receive it. Labour Members also acknowledge that the forms are complicated and the people who deserve the help do not get it.

Revaluation would mean that our council tax bills would hit the roof. Revaluation of properties in England would give local authorities the gift of increasing their base tax and blaming the Government for the resultant increases in council tax. If the Government are trying to claim that council tax revaluation would be broadly neutral and that there would be both winners and losers, they are living in cloud cuckoo land. All council tax payers would lose out from revaluation because it would be an opportunity to increase a stealth tax by the back door.

If hon. Members do not believe me, let us consider what happened in Wales, where only 8 per cent. went down a band. However, the greater problem is that, for the change to be neutral, the rate of council tax would have to be reduced because so many properties would go up a band. There would therefore be an automatic increase in tax revenues. Does any hon. Member believe that that would happen?

We need a Government who reduce council tax and introduce proposals to change the way in which local councils are funded centrally. Talking is not good enough. The Government make the excuse that they will not introduce revaluation yet, because it needs to be considered as part of a wider review of how local authorities are funded, but they have been reviewing since 1998. Is not it time for action or are another four years of talking shops and wasted millions in store for the people of England?

Local councillors often tell me that the Government require local authorities to take on more and more responsibility and more portfolios but without the necessary money from the centre to fund it. Wellingborough council has been consistently underfunded by any objective formula. Perhaps the Government should focus their efforts on how to fund local authorities fairly so that pensioners throughout the country, especially in Wellingborough, do not suffer year after year, as they currently do.

Council tax is a huge, genuine issue for the most vulnerable in our society. It affects people on low incomes and fixed incomes. It causes massive hardship to those in our communities who can least afford it. Council tax is a regressive tax and hon. Members of all parties acknowledge that and are crying out for the Government to tackle the issue quickly. Council tax revaluation is not the way forward.

2.40 pm

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I have a few reservations about the Government's proposals, and I shall come to those in a moment. I want to begin

by echoing the point raised by my hon. Friend the Member for Southampton, Test (Dr. Whitehead), that if we are in favour of a property tax—I know that the Liberal Democrats are not, but the Conservatives apparently are—it is illogical never to revalue a property to bring it into line with the current situation. It does not matter whether the system is based on bands or on the actual value of the property; at some point, a revaluation is needed.

Are the Conservatives seriously saying that, while they support a council tax or similar property tax, they would never revalue, even after 20, 30 or 40 years? The longer we go on without revaluation, the more irrelevant the tax becomes and the less people are able to see any reality in it. And all the time, we have the nonsense of artificially revaluing new properties. That is an unsustainable position. The Conservatives try to pretend that the Government have changed their position for reasons of political advantage, but I suspect that the Conservatives' position is very much one of political advantage, in that they do not want to be associated with any revaluations whatever.

David T.C. Davies: Is it not the hon. Gentleman who is missing the point? Is not our position now his position? The Labour party is now against revaluation and is copying exactly what the Conservatives suggested.

Mr. Betts: The hon. Gentleman should read his party's motion. Members on his own Front Bench have drawn the distinction between deferral and cancellation, and the Government's position is clearly one of deferral.

As I have said, I have some reservations about the Government's position. It has already been established that 10 years is about the right period between revaluations. The timetable that had been agreed would have taken it to 15 years, and now we are talking about perhaps 20 years. My concern is that the longer we go on, the greater the scope for differences between the changes in the value of different properties. I can certainly see that happening in my constituency. I also have reservations about carrying out a revaluation at the same time as introducing other potentially significant changes in local government taxation, as that could lead to confusion among the public as to which change had affected which element of their bill. That could be very difficult to disentangle.

However, the Government are right to lay down that we should establish the precise functions of local government—I welcome the widening of Sir Michael Lyons's remit in that regard—and then agree on an appropriate financial system to fit in with those functions. Local authorities have an important central role to play as the strategic authority for their area, covering a wide range of services. May I suggest that my hon. Friend the Minister has a friendly chat with his colleagues in other Departments to ensure that they are on board with this agenda as well? With regard to the regional government proposals, when it became clear that the Office of the Deputy Prime Minister was in the business of devolving and decentralising functions, it was not equally clear that Departments such as the Department for Transport and the Department for Education and Skills were on the same wavelength.

I want to cite two examples from my constituency. I am anxious to encourage the local college—it now seems anxious to respond—to build a new post-16 vocational centre. However, every secondary school now has the right to develop its own post-16 arrangements. It is difficult to see how we can encourage one educational institution to invest, while there is a risk that another will do precisely the same thing with no overall planning at local authority level, effectively wasting resources and undermining the collective, coherent provision of services.

Secondly, over the past 10 years, South Yorkshire has lost 30 per cent. of its bus passengers. Local government has no strategic ability to plan and deliver local public transport. I hope that those two issues will be seriously considered by the Lyons review, which should not pertain only to those issues that are directly in the remit of the ODPM, but must also consider the strategic responsibilities of local government and its ability not necessarily to deliver but to co-ordinate the delivery of services on the ground in a constructive and proper manner.

Adam Afriyie: The hon. Gentleman seems to be arguing that revaluation is important. If the revaluation was to have been revenue neutral, why is he suggesting that it should be deferred?

Mr. Betts: I was expressing my reservations about the deferral and my concern that the revaluation might get confused with lots of other issues, rather than being helpful. The longer we go on, the more difficult it will be to deal with the revaluation because of the potential for ever greater differences between the changes in value of different properties.

I want to return to the point made by the Lib Dems. I do not accept their argument that the only fair form of tax is income tax. If they are arguing that a tax has to be related to people's income, will they at some point also suggest that VAT or excise duty should be replaced by income tax? The reality is that we tax a whole range of different things, and that those taxes collectively form the revenues of government. I believe that it is perfectly reasonable to have some tax on property, as most countries do. I accept that for a minority of people who rent a property, that property does not represent a store of wealth for them. However, most of those rented properties are in band A. Many people do have a store of wealth in their property, and it is not unreasonable to tax someone's major store of wealth. Council tax is also easy and cheap to collect, and difficult to evade. Those are important elements of a taxation system.

Mr. Bone: Perhaps I have misunderstood what the hon. Gentleman said. You said that, because the value of houses was going up, it was okay to tax them. But some of the people living in those houses are pensioners on fixed incomes who will be penalised by your proposals.

Madam Deputy Speaker: Order. May I remind hon. Members that, in the Chamber, parliamentary language involves the use of the third person?

Mr. Betts: I still argue that those people have a store of wealth in their house. They have a property, and it is

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reasonable to tax it. I do not think that the hon. Gentleman was arguing for the complete abolition of property tax. I am arguing that the principle of a property tax is fair. The key question is how it is implemented.

I would argue strongly that we have to find a way for local government to become more accountable and responsible for raising its own revenue. The key to that will be to bring the business rate back into the orbit of local authority responsibility. It is wrong that increases in business rates have been restricted to the annual inflation rate. That has inevitably resulted in a greater percentage of the money for local services having to be raised from council tax payers than from business rate payers. Business rates should be brought back, and if there has to be a restriction—as there was on the domestic rates and business rates before the poll tax was introduced—the two should be linked. It is possible to link increases in council tax with increases in business rates so that local authorities do not put the entire burden on business rate payers. That would also mean that any increases in revenue that were needed locally would be spread across a wider base, which would reduce the problem of gearing. That would be one significant reform that could come out of this process.

I know that there are differences between the incomes of people in different groups, but broadly speaking, council tax is not regressive; it is usually neutral. However, it is regressive if we compare the amount that people pay with the value of their property. If we compare the £40,000 value of a property at the top of band A with the £320,000 value of a property at the bottom of band H, the difference is about eightfold. Yet the council tax payable on the band H property is only three times that paid on the band A property, so the burden is greater on people at the bottom end of the scale. When we come to examine council tax seriously, we need to look at how the burden is spread across the bands, and probably at the bands themselves. Perhaps we shall need another band A, and perhaps a splitting of the top band. Those are all possible ways in which we can more fairly relate what people pay to the actual value of their property.

We should also consider the proposal that pensioners who do not want to give up their house, but who are struggling because they are on a fixed income—I take the point made by the hon. Member for Wellingborough (Mr. Bone)—should be able to defer payment of their council tax until they sell their property. I have no problem with that at all. The proposal has been referred to as a death tax, but that is frankly silly. There would be no compulsion on people to defer payment, and it would have to be done in a way that did not impose a penalty on other council tax payers. But that is a possibility, and it could deal with the problem of pensioners being forced to sell their home.

I also accept some of the criticisms of council tax benefit. The reality is that council tax benefit is taken up fairly well by people in social rented housing. Only about 50 per cent. of owner-occupiers who are eligible take it up, however. That is a real challenge. Certainly, we must do more in terms of publicity, but perhaps we should consider the whole issue of council tax benefit and its structure to see whether we can find a better way to encourage people to take it up. Certainly, making the tax more progressive would be helpful and would deal with a particular group of people who are currently hard-hit by not taking up their benefits.

The Local Government Information Unit has produced an interesting pamphlet, which I hope that Ministers will read. It identifies another problem, which relates to the point made by Liberal Democrats that some people will be better off with local income tax. The reason that some working families on relatively low incomes are better off under a local income tax is that people start paying income tax at a higher earning level than that at which they start paying council tax, which means that they start losing council tax benefit. If we could bring into line the points at which people pay income tax and council tax, we could deal with another element of unfairness in the current council tax system in terms of how it impacts on low earners who are struggling to make their way and to get a better income than if they simply relied on benefits.

I hope that Sir Michael Lyons considers seriously a number of proposals, although I have some reservations about the deferral of the revaluation process. I support the widening of Sir Michael's remit, however, and I hope that we retain a property tax but with significant reforms to make it fairer still.

2.51 pm

Mr. Brian Binley (Northampton, South) (Con): In May 1997 I was elected to Northamptonshire county council, and exactly one year later was handed the shadow finance portfolio and tasked with preparing the Conservative group for county government. On that self-same day, our current Prime Minister was given the immediate task of running our country. There is a bit of a difference between those two tasks, but I was allowed to experience at first hand the impact that the newly elected Government would have on the quality of local government in my county and on the welfare of its citizens. I was especially well placed to judge that impact from a financial perspective.

I well remember some of the promises concerning local government that were made in the Labour party's manifesto prior to that election. I want to remind the House of a few of them, not least because the Minister referred to them.

First, the manifesto promised that local government would be less constrained by central Government. How I wish that that promise had been kept. Sadly, however, through ring-fencing, matched funding and the iniquitous pressures exerted by quangos and the comprehensive performance assessment, it was not.

Secondly, the manifesto promised that there were sound democratic reasons why, in principle, the business rate should be set locally. I am rather pleased that the Government have not carried out that pledge, although I note that they are still talking of doing so after eight long years. It is another example, however, of not following through on a promise.

Thirdly, the manifesto stated that Labour was committed to a fair distribution of Government grants. The Minister for Local Government should tell that to the people of Northampton borough—I notice that he has the information about Northamptonshire county council, and I look forward to hearing it from him—who,

three years ago, received a 32.9 per cent. increase when the council was under Labour control, and a 5.8 per cent. increase in the following year when still under Labour control, while last year the grant dropped to just 0.9 per cent. after Labour had lost control. That is hardly an example of fair distribution, bearing in mind the impact of year-on-year revenue expenditure on services.

Finally, the manifesto stated that councils should not be forced to put their services out to tender but will be required to obtain best value. Almost everybody in local government, however, will have horror stories to tell of the best value regime—as I am sure you will have heard, Madam Deputy Speaker—of the money it wasted, and the time and effort that it cost to so little avail. In truth, we hardly hear of it now because of that waste, but it was a problem.

What one word might we choose to sum up Labour's performance with regard to local government, and especially local government finances? In my part of the world, that word would be "uncertainty", and I get the impression that that word is used quite a lot throughout the country. Undoubtedly, there is sizeable uncertainty in local government, and this Government need to recognise that and the impact that it creates. Any businessman will tell us that it is one of the most damaging of all conditions to deal with.

How has this uncertainty arisen? Many in the House will know of the Government's initially stated desire to review local government funding, which they pursued with the balance of funding review starting in January 2003. The need for a thoroughgoing review of local government finance and the necessity of creating more equitable local collection vehicles is well rehearsed. Recent events have especially drawn our attention to the seeming unfairness of the current system for certain sections of our community—we have already mentioned our state pensioners, many of whom have seen up to 40 per cent. of their basic pension increases clawed back by council tax increases over the past eight years. The decision to supersede that review with the Lyons review, which was programmed to report at the end of 2005 but was then extended further by widening the terms of reference to include the functions of local government and its future role, suggested a wish to delay and prevaricate rather than to act and progress.

Anne Main (St. Albans) (Con): Does my hon. Friend agree that the Government had a working model in Wales that they could have examined to extrapolate how the revaluation model would work, and that it would have been quite simple to have brought that forward? I cannot see why they needed to delay, other than that it seemed expedient with an election on the way.

Mr. Binley: I understand my hon. Friend's point, but I must refer the answer to the Minister, as I can see no reason other than political advantage. No doubt the Minister will reaffirm his position later, unless he wants to do it now.

Mr. Woolas: May I point out to the House that the decision to postpone the revaluation was taken after the election? If the reason had been the naked opportunism that we are accused of, and that we accuse the Opposition of, we would not have done it at that time, would we?

Mr. Binley: I am sure that we are all grateful to the Minister for that fine explanation. My thoughts remain as before, however.

As well as the uncertainty in local government, there is a growing belief that this Government have lost their appetite for reform. There is no doubt that that is seen in the Government's actions in relation to the review of property values. The Government have prevaricated, and while they have prevaricated, the revenue support grant has continued to fall as a percentage of local government income, creating even more hardship, uncertainly and doubt.

Since Labour came to power, the average council tax bill has increased by 76 per cent., and by even more in my county, because revenue support grant has fallen and public sector inflation has increased way beyond inflation in the economy generally. Public sector inflation averaged 5.5 per cent. in the second quarter of 2005 against an overall inflation rate of 2.7 per cent. It therefore increased by more than twice the rate of general inflation, and that was in a very benign quarter. Yet the Government have the temerity to say that successive settlements have been above the inflation rate, having increased by 33 per cent. in real terms.

Mr. Woolas: Will the hon. Gentleman give way?

Mr. Binley: The Minister will be taking up my time. Will he be kind enough to wait, as he will have another chance to speak?

Of course the Government can make such a statement by setting the settlement against overall inflation of 2.7 per cent., but that is a confidence trick, which looks foolish when measured against public sector inflation well in excess of 45 per cent. during the eight years that this Government have been in power. That is the inflation figure that local government must deal with, and it is in many respects created by the Government themselves. I wish that the Government would show some humility in that regard.

When the Government came to office, 20.5 per cent. of local government revenue spending was financed by council tax. That has now risen to 25.3 per cent., which tells the real story much more effectively. No wonder local government is uncertain when national Government give such false and misleading information.

I could go on to speak about the burdens placed on local government. I could go on to describe how they affect core services, and how we are constantly top-slicing. There is no time for me to do that, however. Instead, let me return to the issue of uncertainty: a damaging cancer at the heart of local government, which is undermining confidence and undermining belief in the Government's wish to see successful local government.

Local government believes that more importance is being ascribed to quangos, unelected bodies and officer-led partnerships than to local government itself. The Minister smiles. I believe in local democracy and I hope that he does as well, but his actions suggest that that is not the case. Certainly, the Government's actions suggest that it is not the case.

Let me ask again what the Government can do to eradicate the uncertainty and restore the confidence that I believe is vital to our local democracy and our local

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democratic structures. They should start by reviewing local tax-collecting vehicles quickly, although the setback to the Lyons review neither helps the process nor inspires us with confidence. They should either get on with the revaluation or scrap it altogether. I understand some of the arguments in favour of regular revaluations, and the fact that the next revaluation may be delayed until the next Parliament is extremely worrying. I understand that one of the Minister's colleagues made that point as well.

The Government can help us by providing a fair revenue support grant that recognises the true cost of public sector inflation. We do not want spurious arguments that tell us that we have more money than we have when we are forced to accept public sector inflation that is well above the level of general inflation. The Government can also help us by doing what they say they will do: all too often they have suggested that they will do something, and then abandoned the plans that they have outlined to local government. Finally, they can restore to local government the power and freedom to get on with the job that it was established to do.

There is nothing more efficient or effective within the confines of national Government than in local government. The only difference is that national Government think they know best, while local government know that they do not. It is time to trust local democracy. I just wonder whether the Government have the courage to face up to that challenge.

3.4 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I hope that I will be forgiven if I do not take up the remarks of the hon. Member for Northampton, South (Mr. Binley). Not only did they fail to address the subject of the debate, revaluation, but they demonstrated a rather depressing failure to understand the difference between rhetoric and reality. I want to deal directly with the important issue of revaluation, and I begin by saying that I have little or no sympathy with the stance taken by either Opposition party today.

The Conservatives were consistent only in their opportunistic criticism of the Government, which revealed a vacuum in place of any positive policy of their own—despite the characteristically good-humoured presentation from the hon. Member for Brentwood and Ongar (Mr. Pickles), whom I am always delighted to see here. As was pointed out by my hon. Friends the Members for Southampton, Test (Dr. Whitehead) and for Sheffield, Attercliffe (Mr. Betts), it is nonsensical to support a council tax system based on property values without making any provision for revaluation from time to time to reflect changes in values.

The Liberal Democrats could lay claim to consistency, but only in terms of economic illiteracy. We heard two extraordinary propositions today. The hon. Member for Brent, East (Sarah Teather) suggested that the poorest pensioners were liable to spend 10 per cent. of their incomes after council tax benefit on council tax, although the poorest pensioners are entitled to 100 per cent. council tax benefit, and thus spend zero per cent. of their incomes on the tax.

David Howarth: Will the right hon. Gentleman give way?

Mr. Raynsford: No, I will not.

The hon. Member for Brent, East has already had a good opportunity and made a mess of it. She should hear a few facts. There is a problem with take-up of council tax benefit. Had she put the case for those who do not receive it, I would have had some sympathy with her, but she advanced the extraordinary proposition that the circumstances she described applied to the poorest pensioners after their receipt of benefit. I am sorry, but that is economically illiterate.

The second example of economic illiteracy was the response to the challenge issued by my hon. Friend the Member for Sheffield, Attercliffe, who asked how a PAYE-based system of local income tax would deal with those outside the PAYE system. The hon. Member for Brent, East said that they would be subject to a different form of taxation, based to some extent on business rates. That would of course mean every property in the country having to be valued, yet the hon. Lady persisted in her claim that ending property valuations would save £300 million. That is typical of the Liberal Democrats. They do not do their sums, or their sums do not add up, and no one believes that a local income tax would generate the benefits that they claim for it.

Having said that, I should add that I have serious reservations about the Government's wish to postpone revaluation. Revaluation is an essential component of any system based on property values, as has been pointed out by my hon. Friends this afternoon and also by the Royal Institution of Chartered Surveyors in its excellent briefing paper.

The year 1991, the current basis for valuation, is now 14 years behind us, and it is increasingly unreal to base valuations on 1991 values. In my constituency, areas that were derelict industrial wastelands in 1991—

Mr. Greg Hands (Hammersmith and Fulham) (Con): Will the right hon. Gentleman give way?

Mr. Raynsford: I am in the middle of a rather important point. If the hon. Gentleman listens, he may learn something.

As I was saying, an area in my constituency that was an industrial wasteland with no properties is being regenerated very effectively as a result of Government policies, and there are many new properties there. To every new home that is being built, however, a notional 1991 value must be applied for council tax purposes. I think that most people would accept that that is unrealistic.

Adam Afriyie: We have talked about property taxes. Is the right hon. Gentleman aware of any calculation of the extra revenue generated from stamp duty relating to the increased house prices, as against the revenue generated in council tax take without revaluation? Surely the one offsets the other in some respects.

Mr. Raynsford: If the hon. Gentleman bears with me, he will understand that although stamp duty is an interesting subject for a debate in which we could engage on another occasion, it is not relevant to this debate.

I return to a point on which I challenged the hon. Member for Brentwood and Ongar. When a property changes hands, it is revalued. People who live in a property whose value has risen or fallen significantly in relation to the average since 1991 will experience the consequences when they sell it, but someone living next door whose house has not been sold will not be affected in the same way. There will be increasing anomalies and inconsistencies between properties, which is another sound reason why we cannot have a valuation system without periodic revaluations. The anomalies become worse. The longer the situation continues, the more problematic it becomes, and the more difficult changing it becomes. That is why it is essential that there be arrangements for revaluation.

The Government's case for postponement of revaluation is related to the Lyons review, and I welcome the wider remit for that inquiry. My hon. Friend the Minister for Local Government rightly highlighted the benefit of a wider look at this issue, but I fail to see why revaluation should be postponed. If council tax is to continue as an important and not necessarily the only element in a framework for local government finance, it will not provide a fair basis for funding unless it is subject to revaluation.

Sir Michael has made clear his view that a one-year postponement would have been acceptable—I understand, however, that he did not recommend it—but he has also clearly expressed reservations about the indefinite postponement proposed by the Government. Although such a postponement might be acceptable, pending the completion of the Lyons inquiry and the Government's assessment of it, I see no basis whatever for removing the obligation in the legislation for a review thereafter, within a minimum of 10 years. Regular, periodic reviews are essential in order to keep council tax valuations up to date, and to avoid excessive turbulence if the revaluation is delayed unreasonably—a point made forcefully by the RICS in its submission.

Mr. Hands: I am intrigued by the right hon. Gentleman's support for revaluation. He referred to a report on the issue, and I wonder whether he has read the report from the New Policy Institute on the effect of revaluation of London properties. They will be by far the worst affected—at least, that is, until the recent falls in property prices. I have in my hand a photograph of a property reckoned to be one of the worst affected. The right hon. Gentleman will know it well—a band D council flat in Sulivan Court, in Fulham—because he used to be the Member of Parliament responsible for it. It will suffer the largest increase of any property in the country under the revaluation that he supports.

Mr. Raynsford: That rather rambling and incoherent contribution indicates the hon. Gentleman's lack of understanding. The New Policy Institute gave detailed evidence to the balance of funding review that I chaired, making it clear that as part of the revaluation exercise it is important that changes be made, such as the introduction of new bands or regional banding perhaps, in order to avoid precisely the anomalies and injustices that the hon. Gentleman has conjured up. I am afraid that he is seizing opportunistically on a piece of evidence without understanding the implications of the NPI's position. That is rather characteristic of his party.

There has been much focus in this debate—the hon. Member for Brentwood and Ongar gave an example—on the scope for losses resulting from revaluation. *—[Interruption.]* Members should bear with me, because there is an important lesson to be learned. Wales was much quoted, and in Wales 33 per cent. of council tax payers were losers and only 8 per cent. were gainers. That reflected the decision taken under the devolved framework—

David T.C. Davies: Will the right hon. Gentleman give way?

Mr. Raynsford: No. I have given way already and I am not doing so again. We are time limited, as the hon. Gentleman will understand.

The decision taken in Wales was that there should be an increase in yield. It is perfectly proper for such a decision to be taken within a devolved framework, but it is not a decision to be taken in England. Indeed, the Government have been absolutely consistent in saying that there should be no increase in yield in England as a result of revaluation—a point also endorsed by the RICS.

So in England, it is likely not that there would be a large number of losers and very few gainers, but that there would be broad parity between losers and gainers as a result of a revaluation, with no increase in yield. That of course means—I ask Opposition Members to listen to this point—that many people will continue to pay more council tax than they should post-2007, because they will remain in bands that are higher than they should be in terms of current values. If we are talking about justice and fairness, it is important not to be opportunistic in picking out single examples; rather, we must look seriously at the pattern across the country of current liabilities for council tax, and consider how that would be changed by any particular form of revaluation. Value judgments are made in the course of a revaluation, and how it is done is clearly important to the outcome.

So I put it to my hon. Friend the Minister for Local Government that the House and I would find it helpful to have the benefit of the evidence that Ministers examined concerning the gains and losses that are likely to apply to individual households under different revaluation scenarios. The hon. Member for Brent, East quoted my hon. Friend as saying in a meeting with SIGOMA that there were just over 2 million losers. The Halifax, however, estimates that there might be more gainers than losers under revaluation. That certainly implies that there must be at least 2.2 million people—perhaps more—who would have gained from revaluation, had it taken place.

The House is owed a detailed statement setting out the full implications of postponement. I therefore hope that my hon. Friend the Minister for Local Government will be willing to publish the evidence that he and my right hon. Friend the Minister of Communities and Local Government saw before they decided to postpone revaluation. As my hon. Friend acknowledged, the change of policy that he outlined will require new

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legislation. We deserve to have full information on the impact and implications of the changes when this House considers that legislation.

Local government provides a range of absolutely vital services, and it is important that it has a finance system that underpins its work and enables it to get on with its job effectively. The Lyons inquiry is rightly looking at a long term, more sustainable basis for local government finance, and we should give that inquiry full support. We should encourage Sir Michael to come forward with practical and, where appropriate, radical proposals, and I hope that the House will have a good opportunity to debate them in the reasonably near future. It is in all our interests to have a more sound, more sustainable basis for the long-term future of local government funding.

3.16 pm

Bill Wiggin (Leominster) (Con): I want to take this opportunity to share with the House the impact that council tax revaluation has already had on Wales. That impact unquestionably serves as a warning to the people of England of what will occur if council tax revaluation goes ahead here. Wales was ripped off, tucked up and had over. That will happen here and we will face the same hardships as our Welsh brethren if we are not very careful. For the benefit of those in the House who are unfamiliar with this tale of Labour greed and incompetence, I will explain why the council tax revaluation has failed in Wales and consequently left hundreds of thousands of hard-working home owners greatly out of pocket.

During the past eight years and even before taking into account the impact of revaluation in this financial year, council tax has risen by an average of £426 per household—a whopping 86 per cent. Areas such as Blaenau Gwent have faced increases of £546, which is 12 times the rate of inflation. Monmouthshire has suffered council tax rises of £514, which equates to a 128 per cent. increase since 1997, or 13 times the rate of inflation. In Swansea, council tax has increased by 84 per cent.; in Cardiff it is up by 80 per cent. Pembrokeshire has experienced the lowest increase—just 57 per cent.—but that is little consolation to Pembrokeshire home owners, who still have to find an extra £256.

The move towards revaluation began in September 2000, when the National Assembly for Wales began its consultation on possible changes to local government finance in Wales. That consultation was superseded by the introduction of the Local Government Act 2003. As the House is aware, the outcome was that all homes in Wales were assessed with a view to being rebanded. At the time, the Opposition opposed the measure, and we continue to believe that this mistake has left Welsh home owners with the burden of more taxation than is either appropriate or necessary.

Several hon. Members *rose—*

Bill Wiggin: I will give way first to the hon. Member for Carmarthen, East and Dinefwr (Adam Price).

Adam Price: The hon. Gentleman has raised an important point. It is a fact that the Welsh Assembly policy of rebanding and revaluation dates from a policy announcement of March 2002 by the Liberal Democrat and Labour Administration.

Bill Wiggin: The hon. Gentleman is absolutely right and I am grateful for that intervention; I should perhaps have pointed the finger more forcefully at the Labour and Liberal Democrat Benches.

Ian Lucas: The hon. Gentleman should also point the finger at himself. Is it not also true that neither Plaid Cymru nor the Conservatives opposed the process that was set in train by the Liberal Democrat and Labour Administration in Cardiff?

Bill Wiggin: I can understand why the hon. Gentleman wanted to intervene. His own county council, Wrexham, has an increase of eight times inflation. The only point that I would raise in response may be less than polite, Mr. Deputy Speaker, so I shall resist.

Julie Morgan (Cardiff, North) (Lab): The hon. Gentleman fails to bring to the House's attention how much lower council tax is in Wales, after revaluation, than it is in England. In fact, the average council tax payment in England is £1,009, whereas it is £790 in Wales, after revaluation. On average, council tax in England is 24 per cent. more than in Wales.

Bill Wiggin: I understand why the hon. Lady wants to make that point, but she faces a difficult time over this matter. Cardiff has seen increases of more than eight times inflation. The hon. Lady's city has a total population of 136,575, but 67,775 people have had their council tax moved up one band; 17,923 by two bands; 921 by three; and 58 by four bands or more. Perhaps she will tell us whether she lives in one of those houses.

Julie Morgan: I should draw the hon. Gentleman's attention to the fact that a band D household in Cardiff, after revaluation, pays £872 compared with a band D household in Bristol, which pays £1,296. My point is that council tax in Wales has been kept consistently lower than in England. It is important that the hon. Gentleman acknowledges that point in his discussion.

Bill Wiggin: The hon. Lady will have to make that point again and again. I believe that her constituents will be dismayed at the increases, though I understand what she is saying.

In this very Chamber in 2003, on Second Reading of the Local Government Bill, the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), then Minister for Local Government—it is clear from his speech today that he has subsequently become very bitter—pledged that revaluation

"will not lead to increases in council tax yield".—[*Official Report*, 7 January, 2003; Vol. 397, c. 53.]

That was the very point that he made today. Unfortunately, as far back as December 2001, the White Paper guiding the revaluation legislation explicitly stated:

"There should not be any change in the amount of council tax collected."

The sentiment was echoed in Cardiff when the process of rebranding began in 2003. The Welsh Assembly Minister for Finance, Local Government and Public Services, Sue Essex, assured us that the rebranding would not lead to increases in taxation. She stated that revaluation

"is not a means of increasing the total amount of council tax raised and it doesn't follow that all tax bills will rise. There will be movements within the Banding system and changes in bills, but we estimate that half of Welsh homes will remain in the same Band, around a quarter will move down the Banding system and a similar number will move up."

David T.C. Davies *rose—*

Bill Wiggin: I happily give way to my hon. Friend, who is more than aware of how untrue that turned out to be.

David T.C. Davies: I am most grateful to my hon. Friend for giving way on that point and for reminding us that Opposition Members of the Welsh Assembly supported the Minister when she went ahead with revaluation on the basis that she was telling us the full truth. The mistake that we made was failing to realise that we were being led up the river by the Welsh Labour Administration in the Assembly.

Bill Wiggin: My hon. Friend is absolutely right. I was about to say that those statements and promises, well meaning though they might have been, were absolutely untrue. It demonstrates how Labour council tax revaluations deceived the people of Wales.

On 1 April 2005, the Valuation Office Agency's rebanding of Welsh properties came into effect, leading to significant numbers—one in every three—of Welsh home owners having to pay a higher rate of council tax on being moved into a higher band. As a result of council tax rises and rebanding in Wales, the average council tax bill has risen by 9.1 per cent. for the financial year 2005–06. The average Welsh home owner will now have to pay a post-revaluation council tax bill of £790 as opposed to the £724 they paid pre-revaluation. Some of that increase can be attributed to council tax inflation, but the rest can be attributed only to the profiteering from the post-revaluation rebanding. Wages have not risen by 9.1 per cent., and nor have inflation and pensions, which makes that increase seem all the more unjustifiable.

The statistics clearly contradict the assertion made by Sue Essex in 2003 that a quarter of Welsh households would move down a banding scale and a quarter would move up. They also contradict what was promised by the then Local Government Minister and by the White Paper that preceded the Local Government Act. In 2004, Assembly Member, Sue Essex, tried to shift the blame on to Whitehall, commenting that

"revaluation in itself was not undertaken as a reason to increase council tax levels."

However, the Deputy Prime Minister, whose Department was responsible for the Local Government Act, disagreed, admitting that the Welsh Assembly had decided to use revaluation "to raise tax revenue". Additionally, the ODPM claimed in January 2005:

"Revaluation in Wales has been a good example of shared policy development between the Welsh Assembly Government, local government in Wales and the Valuation Office Agency."

The council tax revaluation in Wales has demonstrated that the rises that it has led to are harming the poorest in Wales the most.

Mr. Desmond Swayne (New Forest, West) (Con): That poses the question of what would have been a bad policy development, if that was a good one. Surely the answer to the hon. Member for Cardiff, North (Julie Morgan) is that it provides no comfort whatever to someone who has been shifted up a couple of bands to know that a band D property in England would have been even more expensive. That is the point—they have been ripped off big time.

Bill Wiggin: My hon. Friend is absolutely right. If we bear in mind the fact that Powys is one of the poorest, if not the poorest, areas in the whole of the UK, that amounts to a double whammy or even worse.

I welcome the fact that the Labour Administrations in Whitehall and Cardiff have recognised the financial insecurity that the rises are causing the people of Wales, but I do not think that the extra £11 million proposed for transitional relief will make enough of a difference, especially when one considers the fact that most of that relief is available for one year only. In addition, by 2008, the revaluation will lead to a further 5 per cent. of Welsh home owners paying higher council tax bills as a result of moving upwards into another band. That is why we want to end the need for those increases—by stopping the planned upward movements by more than one band.

My hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) raised the issue on the Floor of the House last July, but it is worth noting again that between 1998 and 2004 local government had to increase council tax in Wales by 78 per cent. in order to fund services. The grant given to local councils in Wales from central Government increased by only 40 per cent. That is why Welsh council tax payers are now paying for some 20 per cent. of all local government expenditure, as opposed to the 15 per cent. that they were paying back in 1997.

My hon. Friend also remarked that the people of Wales do not think that the rises in council tax have led to significant improvements in services. No Government can justify taking more money from the public and not providing hard-pressed taxpayers with adequate value for money. In Wales, despite the increases in council tax, hospital waiting times are still the highest in Britain and education standards are still the lowest in Britain. Welsh home owners are paying for increased red tape, paying for more waste and paying for further misadministration. That is the sad truth behind revaluation and the truth that the Labour Government are trying to shield from us.

Having drawn to the House's attention the problems that the revaluation of council tax in Wales has caused, it is important to highlight the lessons that must be learned. First, we have seen added financial misery, to hundreds of thousands of people. Secondly, the Labour Government revaluation can never be revenue-neutral, as the taxpayer will always have to pay more. Thirdly, the revaluation legislation muddies the waters of responsibility and it is not always clear who is responsible for the bills that have been created. We find ourselves asking who will take responsibility. The only thing that I can say with some certainty is that it is the Labour party that must take the blame.

3.28 pm

David Howarth (Cambridge) (LD): I shall address some of the points made in the debate and then make one point of my own. When the Minister winds up, I hope that he will take up a point that the Minister of State mentioned when he opened the debate, which was of great interest to those of us who spent a long time in local government. He implied that the financial settlement for local government this year is likely to be ungenerous, especially outside education. The figure of 1.5 per cent. has been bandied around, and that would cause extreme difficulties, especially for district councils, and lead to severe reductions in services.

The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) mentioned pensioners and council tax benefits. Large numbers of pensioners do not receive council tax benefits, for two reasons. First, as the right hon. Gentleman said, many do not claim the benefit. Secondly, even quite modest savings take pensioners above the capital limit. Both factors put together mean that many pensioners do not receive council tax benefits, as my hon. Friend the Member for Brent, East (Sarah Teather) said.

The right hon. Member for Greenwich and Woolwich and the hon. Member for Sheffield, Attercliffe (Mr. Betts) made the point about local income tax and foreign nationals, but that point is easily answered. A foreign national is either resident for income tax purposes or not. If resident for income tax purposes, a foreign national will pay local income tax. For those not resident for income tax purposes, we will introduce a second home tax based on land value. That will not require all properties in the country to be valued—only those used as second homes.

Mr. Raynsford: When a local authority does not at the beginning of the year know who will occupy a particular property, how will it be able to make the appropriate valuation on which the supposed land value tax will apply?

David Howarth: It will work on the previous year's figures. The Treasury will guarantee the funding on the previous year's figures when working out the funding on the following year's grant. That is standard practice in local government.

Adam Afriyie: My concern is not the effect of the local income tax on the overseas visitor resident here, but its effect on two schoolteachers—or two nurses, two doctors or two firemen—on average salaries who share a flat. Under the Liberal Democrats' scheme, such people would have to pay far more than under the council tax. Is the hon. Gentleman not concerned about those groups?

David Howarth: As my hon. Friend the Member for Brent, East said, whether such people would pay more depends on their incomes and what band house they live in now. Under a local income tax, people living in a band H house can earn up to £60,000 between them before losing out. The hon. Gentleman should remember that average household income is £26,000.

The hon. Member for Sheffield, Attercliffe, who is unfortunately not in his place, claimed that the council tax is not regressive. In fact, it is the most regressive major tax and it makes the tax system as a whole regressive. That is why replacing it with a local income tax would make the whole system progressive.

Dr. Julian Lewis: May I remind the hon. Gentleman that during the election campaign the leader of his party was gravely embarrassed when he logged on to the Liberal Democrats' own website on air and made some comparisons using the website's calculator. In nearly every case with more than one wage earner in the household, the local income tax would have cost people a great deal more. The hon. Gentleman cannot escape that fact, however much he tries to spin it.

David Howarth: I repeat that the cost will depend on the band of house that people already occupy. People who live together in large houses are, by definition, in high band houses, so the comparison with the average house is not valid.

I come to my single main point. Contrary to what the right hon. Member for Greenwich and Woolwich said, this debate is not only about revaluation. It is also about the Lyons review. As several hon. Members have said, both the motion and the amendment mention the important point about asking the Lyons review to consider the strategic role and accountability of local government, so that local government finance can be reviewed in the context of the functions of local government. One might point out that the Government should have realised from the beginning that the options for local government finance cannot be understood without understanding and making choices about local government function. The obvious question is why the Government have taken two and a half years—since the beginning of the balance of funding review—to realise that obvious fact.

There is a more fundamental and important point. The functions, role and accountability of local government are not a matter for expert committees; they are political questions that the Government must make up their mind about rather than asking somebody else. The question for the Government and for the Labour party is: what should be the proper relationship between central and local government?

There are three important aspects of that—three central questions that the Government need to sort out. First, do the Government believe in pluralism? Do they believe that local government should be able to follow its own political objectives and not merely be an agent of national Government? More profoundly, do they believe that local government is valuable because it can act as a check and a balance on central power—that it is a way of dispersing power in society? There is an historical problem for both parties. For the Conservatives, there is the problem of the Greater London council, which they abolished precisely because it provided an alternative political base and political opposition to the Government. Many people disagreed with what Mr. Livingstone was doing with the GLC at the time—many still do—but supported his campaign to maintain the existence of the council because it provided an alternative centre of political power.

For the Labour party, the equivalent problem was the Militant Tendency in Liverpool. There was a great speech by Mr. Kinnock at the Blackpool conference—

Mr. Woolas: Bournemouth.

David Howarth: Sorry, it was Bournemouth. It is good to see that there is an even greater political nerd than me in the Chamber.

There is a direct link between the political embarrassment of those times and the constitutional centralisation that the Labour party has followed in office since 1997. Both those troublesome local authorities could have been dealt with by a simple solution: the introduction of proportional representation in local government elections. However, that solution would bring political embarrassment to both sides of the House, because it would mean further questions about the legitimacy of elections to this place.

My first central question was whether the Government believe in pluralism. Do they believe in the dispersal of power through local government? We do. The second fundamental question for the Government to answer instead of putting things off to the Lyons review is whether they believe that local government can provide experiment and variety in policy making. There is a temptation for central Government to believe that they are omniscient, that they can solve all problems from Whitehall and impose uniform solutions on the country, but everyone in local government knows that that is not the case.

Mr. Hollobone: In the original remit for the Lyons review, Sir Michael was charged with considering the implications for the financing of possible elected regional assemblies. In the light of the vote in north-east England, does the hon. Gentleman still support that remit of the Lyons inquiry?

David Howarth: The question of regional assemblies still needs to be in the Lyons remit, but the Government should make some political judgments before the report to give Lyons more direction.

To return to my point about experiment and variety, schools offer an example. Policies such as school choice work in densely populated urban areas with good public transport systems—at least, they are good from the point of view of people in the rest of the country. Those policies would not necessarily work in an area such as rural Norfolk, where the population is widely dispersed and school choice is limited due to transport difficulties. The Government and the Labour party must wean themselves off easy headlines such as, "Minister steps in to solve problem" or "Minister takes charge". It is easy to obtain such headlines, but the long-term consequence of seeking them is to undermine the ability of local government to experiment and work out solutions for its area.

The third fundamental question for the Government is whether they believe that local government provides a place where there can be democratic accountability and democratic participation. Every power of national Government—to appoint people, to control total budgets and to direct their budgets—should also be reviewed, to consider whether those powers could be better used and allocated locally, especially to local government. So the Government need to work out their own political direction first and to understand local government in terms of pluralism, experimentation and democratic accountability. If they get that done, they can move on to the Lyons report. The Liberal Democrats know where we stand on all those questions; we do not need an expert to tell us. I just hope that the Government work out their own position sooner than the next election.

3.40 pm

Angela Watkinson (Upminster) (Con): This has been an interesting and revealing debate. All Opposition Members are only too well aware of the worry that has been felt by our constituents while the revaluation of their homes has been hanging over their heads. The main concern every year when councils set their budgets is how much the council tax will go up. In particular, retired people on modest fixed incomes have seen their disposable income reduce year on year. Many of them have been living in the same homes for decades: homes where they have brought up their families, homes that hold a lifetime of memories, homes that have increased in value beyond their wildest dreams and because of that fact—one that is outside their control, incidentally—homes that attract such high council tax bills that they can scarcely afford to continue living in them.

What of young families, with all the attendant expense of bringing up children, whose clothes seem to either wear out or be grown out of before they even reach the washing machine, mortgages with creeping interest rates and the increased costs of running the family car and buying season tickets to work—all the normal nuts-and-bolts expenses of everyday life? A huge hike in council tax that results from property revaluation and goes up one or more bands, as the Welsh experience indicates, could have been the straw that broke the camel's back for some family budgets.

The knowledge that the Government were planning to revalue all properties has caused enormous concern and people are oh so relieved at the Government's recent policy U-turn—at least for the time being. But, for how long will the revaluation be postponed? We have heard that Sir Michael Lyons recommended that it should not be postponed for longer than a year. We know that a Bill is coming up soon. So the revaluation has not been cancelled; it is still hanging there like the sword of Damocles—it has not gone away. The Council Tax (New Valuation Lists for England) Bill will allow the Government to determine the date of the revaluation of properties in England by secondary legislation. The Government will be able to slip it through with little debate in Parliament.

Mr. Betts: Let us be absolutely clear what the Opposition's policy is on this matter. The hon. Lady is speaking to a motion that refers to cancelling the revaluation. Does that mean permanently cancelling it? In other words, there would never be a revaluation, according to Conservative party policy.

Angela Watkinson: The hon. Gentleman will know that, in politics, we never say never, but our policy is to cancel the revaluation. If he will bear with me for a moment, he will learn more of our policy.

[Angela Watkinson]

The Minister, in his opening remarks, apologised for making the announcement in the recess, but we were refused an urgent question when this Parliament began and he could have made a statement. The Government are being called to account today only because there is an Opposition debate on the subject.

The Lyons report refers to the complexity of local government funding, the strategic and expanding role and functions of local government, devolution, decentralisation and more accountability. We now have communities that are far more diverse, with much higher expectations of what their councils can provide for them. Local government needs to foster partnerships with the local community, the police, health authorities and all the other statutory bodies and the private sector in local area agreements. That will happen by 2007. There are already several highly successful strategic partnerships, and my council of Havering has the successful Havering strategic partnership. All its partners have an enormous amount of good will and wish to contribute in whatever way they can to try to improve services for the benefit of local people.

My hon. Friend the Member for South-West Bedfordshire (Andrew Selous), who is not in the Chamber, referred to the need for the health service and educational services to work together to help special needs children. It is difficult to meet the growing needs of the ever-increasing numbers of children with special educational needs, many of which arise from medical conditions. Speech therapy, especially, has been under-provided for many decades. I examined the matter a year or so ago to determine how many colleges provided courses for speech therapists, whether those courses were fully attended and whether there was an unusually high drop-out rate. I did not find any problems with the training, but there is no tracking of what happens to qualified speech therapists after they have finished their courses. Where do they go? They do not go into education—certainly not the state sector—or the national health service, so where all the qualified speech therapists go is a mystery. Overcoming such a problem is an example of the way in which councils, health services and other partners could work together.

The Minister said that a process of revaluing to align property values with council tax was fair, but how often would properties have to be revalued to make the system continuously fair? What will happen if property values flatline for several years, as they have in Westminster? How would local government funding be adjusted to take account of a fall in property prices?

The Minister blamed councils for high council tax, which gave the impression that councils have the freedom to set their council tax at a level of their choice. However, we all know that central Government funding comes with many strings—or statutory duties—attached and with so much ring-fencing that only a small proportion of councils' funding represents disposable income. Their freedom to set their budgets is thus severely restricted. They have of course received extra money, but the cost of their additional statutory duties, which are unfunded, has greatly outstripped that increase.

Children's services, especially, have been affected enormously. For example, my local authority has somehow to find extra money when families with children with complex and costly needs move to it because that is its statutory duty. Councils thus have little leeway to provide additional services. Services such as Streetcare get squeezed because of the demands of statutory services.

Mark Tami (Alyn and Deeside) (Lab): The hon. Lady is making a good case for spending more, but I thought that she wanted to tax less. How does she square that position?

Angela Watkinson: That is a very good point. I am glad that the hon. Gentleman makes it because local government funding cannot be considered in isolation. It must be examined in tandem with what local government does and how it does it. Local government needs more freedom to decide what it does without diktat from central Government.

In 1997 Labour inherited a system that was working. Most people understood and accepted it, so what did Labour do? It seized on council tax payers and made them the milch cows of the nation. Council tax has gone up 76 per cent. in England and 86 per cent. in Wales. The Government who promised not to increase income tax have put up council tax by the equivalent of 3 per cent. on income tax. More people are now eligible for council tax benefit, but the complexity of the forms means that fewer than two in three eligible pensioners claim it.

We call on the Government to cancel revaluation in England, to face the music over the problems of the flawed Welsh revaluation and to admit that business rate revaluation increased costs for medium and large businesses, irrespective of the take-up of rate relief by small businesses. We call on them to be transparent about their intentions for reform in Northern Ireland and the effect that that will have on future funding for England, and about local government restructuring. The Government's policies are mired in confusion, but council tax payers are not confused—they know that they are about to be mugged again.

3.50 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): My hon. Friend the Minister for Local Government opened his speech by saying that he was genuinely excited at the prospect of today's debate. Some of our colleagues suggested that perhaps he should get out more, but I know what he meant. The tone and the content of the debate prove that this has been a useful opportunity.

Before I respond to specific issues raised by hon. Members, I feel obliged to emphasise what my hon. Friend said about council tax. He stressed three aspects that I wish to address: how the Government are already helping many people, not least pensioners, with their council tax bills; how we are taking firm action to ensure that council tax levels stay low; and how we are taking forward reform of the system through the inquiry by Sir Michael Lyons. Our aim is to ensure that high-quality services can be funded in a way that is both fair and sustainable in the long term.

First, let me remind the House how much the Government are already doing to help people to pay their council tax bills. Help with those bills is available

to those who are least well off through council tax benefit—an important part of the picture. In 2005–06, of the total council tax requirement of £21.3 billion, about £3 billion, or 14 per cent., is being met through council tax benefit. The operation of the council tax benefit scheme is the responsibility of my right hon. and hon. Friends at the Department for Work and Pensions; however, both they and we at the Office of the Deputy Prime Minister are concerned that many people, especially pensioners, are not taking up their entitlement. Help is being offered to pensioners to try to resolve that. The focus in the short term is, rightly, on getting better take-up of council tax benefit, but for the longer term the DWP aims to make the council tax benefit system as automatic as possible.

In addition to council tax benefit, the Government are giving pensioners extra money specifically to help with council tax bills. We gave £100 to households with someone aged 70 or over in 2004–05, and in 2005–06, households with someone aged over 65 will receive £200—unless, of course, they are already entitled to a 100 per cent. rebate. We are giving a lot of additional help to pensioners generally, spending almost £11 billion more on pensioners in 2005–06 than in 1997 as a result of measures introduced since then. The help we are giving includes the £200 winter fuel payment for everyone aged over 60, which benefits more than 11 million pensioners; there will be free local area off-peak bus travel for pensioners from April 2006; television licences are free for anyone aged over 75, which benefits more than 4 million people; value added tax on fuel has been reduced from 8 per cent. to 5 per cent.; the over-60s receive free eye tests; and women aged 50 to 70 receive free breast screening. There have been record increases in the basic state pension, and pension credit, which guarantees at least £109 a week for single pensioners and £167 a week for couples from April this year, is set to rise in line with average earnings until 2008.

Secondly, we are working hard to keep council tax down. We delivered another good settlement for local government in 2005–06—one that ensures that councils can provide a high level of service. We have provided an extra £3.5 billion—6.3 per cent. more than in 2004-05. In total, local government has had a 33 per cent. real-terms increase in funding since 1997.

Thirdly, we are working to reform the system. The Government acknowledge that the current system is not perfect. As we said in response to the balance of funding review, our position is that council tax should be retained, but reformed. Sir Michael Lyons is already examining how the council tax system might be reformed and he is aware of the issues that have been raised by pensioner groups and individual pensioners. It is, however, entirely right that before giving us his recommendations on council tax, he take a step back to consider the current and emerging strategic role of local government in the context of national and local priorities for local services. Any proposals for reform of the funding system should be set firmly and explicitly in the wider context of a clear shared understanding of the role of local government and of councils' accountability to service users, residents and taxpayers.

Turning to the debate itself, the hon. Member for Brent, East (Sarah Teather), the Liberal Democrat spokesperson, has an amazing talent for causing outrage among Conservative Members, almost regardless of what she says. However, she appeased them somewhat by announcing that she has persuaded her colleagues to vote with the Conservative party today. She announced that the poorest pensioners must pay 10 per cent. of their income as council tax. My right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) pointed out that that was inaccurate, and it was not the case. The hon. Lady said that a local income tax would be simpler to operate, but the balance of funding review chaired by my right hon. Friend the Member for Greenwich and Woolwich concluded that local income tax should be introduced only as a supplement to council tax to shift the balance of funding. We have therefore asked Sir Michael Lyons to look into a supplementary local income tax as part of his inquiry into local government funding. The balance of funding report flagged up the fact that considerable further work would be required to address substantial technical and administrative issues and costs associated with local income tax as well as the impact on individuals and employers before firm conclusions could be reached on its feasibility or desirability.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) skilfully outlined the weakness of the position adopted by the official Opposition, and made some astute points, a number of which will be taken into consideration by Sir Michael Lyons.

The hon. Member for Wellingborough (Mr. Bone) told us about his listening campaign, but he clearly did not listen to the intervention of my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts), which he curtly dismissed as spin rather than a point of information. However, I acknowledge the genuine appeal that he made on behalf of local government. His suggestion that revaluation could provide a vehicle for local authorities to push up council tax was countered by my hon. Friend the Minister for Local Government, who outlined the capping powers that the Government have at their disposal and which they have used, and will use again in the event that councils breach expected limits.

My hon. Friend the Member for Sheffield, Attercliffe challenged the fairness of the Liberal Democrats' flagship policy, outlined its weaknesses and made a number of interesting and thoughtful points. My hon. Friend the Minister for Local Government has read the Local Government Information Unit pamphlet, and the key question of the lower income threshold raised by my hon. Friend the Member for Sheffield, Attercliffe is being examined by Sir Michael Lyons.

In his inimitable style, the hon. Member for Northampton, South (Mr. Binley) challenged the Government to respond to concerns about his local council tax rates. I am sorry, but we do not recognise the figure that he cited of 0.9 per cent. If he writes to me, we can examine what Northampton received, whether at the level of the shire, the district or Northampton, South itself. He sought an expression of humility from the Government. While there is genuine humility on the part of the Government its manifestation is not always apparent and it is not always reported.

[Jim Fitzpatrick]

My right hon. Friend the Member for Greenwich and Woolwich spoke, as ever, with the authority that becomes someone with his experience. I acknowledge his strong feelings on the issue and his disagreement with the Government's position although, naturally, that is disappointing. The hon. Member for Leominster (Bill Wiggin) took us back to Wales. If he will forgive me, I will not go there as time is against me and Welsh issues were fully aired at the beginning of our debate in a series of interventions. I am not sure if he deliberately used the word "rebranding" as opposed to "rebanding", but I understood his point.

The hon. Member for Cambridge (David Howarth) delivered his own winding-up speech, the point of which was entirely valid. There are political choices to be made and we will have to make them, but after we have taken advice.

In conclusion, today's debate has been a good opportunity for the Government to state their position. There will be further opportunities when the House debates the Council Tax (New Valuation Lists for England) Bill in due course. The future of local government is crucial for the future well-being of the country and the Government are determined to create a strong and sustainable role for it. We are convinced that we have the right approach for the reform of local government funding.

We need a clear and complete picture of what we want from local government—only then can we tackle the question of how it should be funded. We are confident that Sir Michael Lyons's extended work will provide an opportunity for fundamental and lasting reform. I invite the House to give him its full support in his endeavour, to vote to oppose the motion tabled by the Opposition and to support the amendment in my name and that of my right hon. and hon. Friends.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 247, Noes 300.

Division No. 82] **[4 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arnes, Mr. David
Anoram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Bread, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Ms. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grey, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Herron, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith

Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Sweeney, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walter, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winnerton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and
Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baillie, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Diamond, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Law, Peter
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malloch, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Nayamith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare

Simon, Mr. Siôn	Touhig, Mr. Don
Simpson, Alan	Trickett, Jon
Singh, Mr. Marsha	Truswell, Mr. Paul
Skinner, Mr. Dennis	Turner, Dr. Desmond
Slaughter, Mr. Andrew	Turner, Mr. Neil
Smith, rh Mr. Andrew	Twigg, Derek
Smith, Ms Angela C. *(Sheffield, Hillsborough)*	Ussher, Kitty
	Vaz, Keith
Smith, Geraldine	Vis, Dr. Rudi
Smith, rh Jacqui	Walley, Joan
Smith, John	Waltho, Lynda
Snelgrove, Anne	Ward, Claire
Soulsby, Sir Peter	Wareing, Mr. Robert N.
Southworth, Helen	Whitehead, Dr. Alan
Speller, rh Mr. John	Wicks, Malcolm
Starkey, Dr. Phyllis	Williams, rh Mr. Alan
Stewart, Ian	Williams, Mrs. Betty
Steele, Dr. Howard	Winnick, Mr. David
Strang, rh Dr. Gavin	Winterton, Ms Rosie
Stringer, Graham	Wood, Mike
Stuart, Ms Gisela	Woolas, Mr. Phil
Sutcliffe, Mr. Gerry	Wright, Mr. Anthony
Tami, Mark	Wright, David
Taylor, Ms Dari	Wright, Mr. Iain
Taylor, David	Wright, Dr. Tony
Thomas, Mr. Gareth	Wyatt, Derek
Thornberry, Emily	
Timms, Mr. Stephen	**Tellers for the Noes:**
Tipping, Paddy	**Mr. Dave Watts and**
Todd, Mr. Mark	**Mr. Alan Campbell**

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's decision to postpone the revaluation of council tax in England in order that it may take full account of Sir Michael Lyons's further work on the functions of local government as well as its financing; supports the Government's extension of Sir Michael's terms of reference, which will enable him to review the strategic role of local government and therefore set any proposals for the reform of the funding system within the context of that role and of councils' accountability; recognises that the devolution settlement for Wales gives responsibility for council tax matters to the National Assembly for Wales, and that the context for rating reform in Northern Ireland is very different from that in Great Britain; refutes any suggestion that Northern Ireland is being used as a testing ground for reform in England; and looks forward to the final report of Sir Michael Lyons's inquiry which it is confident will provide a real opportunity for fundamental and lasting reform.

DEFERRED DIVISION

Mr. Deputy Speaker (Sir Michael Lord): I now have to announce the result of a Division deferred from a previous day.

On the motion Marketing of Foods Derived from Genetically Modified Maize, the Ayes were 215, the Noes were 75, so the motion was agreed to.

[The Division Lists are published at the end of today's debates.]

Emergency Preparedness

Mr. Deputy Speaker (Sir Michael Lord): We now come to the next debate on the Opposition motions. Mr. Speaker has selected the amendment standing in the name of the Prime Minister.

4.15 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

That this House expresses its deep appreciation of the response of the emergency services and Transport for London to the terrorist outrages of 7th and 21st July 2005; urges heightened efforts to ensure that preparedness for emergencies is comprehensively pursued; believes that the appointment of a Minister for Homeland Security would contribute to effective co-ordination within government; calls for increased efforts in communicating with the public in respect of major threats, including both terrorist attacks and an influenza pandemic; regrets delays in the publication of an influenza pandemic contingency plan and the procurement of anti-viral drugs and disposable medical products; is concerned at the lack of public information and resulting confusion; and urges that pandemic influenza preparedness be achieved urgently, with effective communication to the NHS and public of the nature of the threat and planned responses.

This debate has three purposes: first, to give the House its first opportunity since 7 July to consider the implications of that terrorist attack on our contingency plans and preparedness; secondly, to put to the Government the case for further co-ordination and communication measures designed to increase our preparedness; and thirdly, to focus in detail on our contingency planning and current measures to combat the threat of an avian flu pandemic.

The House will be aware that there is a wide range of emergencies in response to which the Government are seeking to build resilience under the capabilities programme. Some of those concern natural disasters. As a vice-chair of the all-party group on flood prevention and a representative of a constituency affected by flooding in October 2001, I am only too aware of our developing plan for flood defence. There is an increasingly well-defined population who, all credit to them, actively seek information and means of protecting themselves. The Environment Agency, which, as I know from personal experience, learned some bitter lessons about flaws in its alert system in 2001, is introducing remodelling of the flood risk patterns to increase the advance warning that might be given. That is a good example of ways in which emergency preparedness can learn from past deficiencies.

Extremes of weather present other threats. The heat wave in France in the summer of 2003 caused 5,000 excess deaths. During winter in this country, as things stand at the moment, we have more than 20,000 excess deaths—twice the relative number in Germany. With the Met Office warning of the risk of severe cold weather this winter, now is the time for Government, local authorities, the NHS and housing associations to act, and for families to consider how they and their friends and neighbours are looked after.

Jonathan Shaw (Chatham and Aylesford) (Lab): The hon. Gentleman referred to the larger number of deaths in Britain compared with Germany. What is the reason for that?

Mr. Lansley: I do not want to dwell on that at great length, although I was a member of the Select Committee on Trade and Industry when it undertook an inquiry into fuel poverty and highlighted excess winter deaths in this country. They derived from a combination of factors, including the relative cost of fuel as a proportion of the income of people on very low incomes, and building regulations and standards of insulation. That is one reason, apart from many others, why I will join warm homes week in my constituency in November to encourage the fight for such insulation. Those are the things that we should be doing in the weeks ahead.

In Cambridgeshire—I am sorry; I will stop talking about my constituency after this—the big freeze on the M11, which some of my hon. Friends were caught up in, illustrated how severe weather can rapidly lead to a deterioration of services. If that freeze had continued for only 12 more hours, it would have interrupted just-in-time deliveries of supplies to clinics, pharmacies and the like. We need to be aware of the way in which severe weather could have an adverse impact very quickly.

The principles of preparedness for a range of emergencies often have much in common: prevention, when possible; preparation; effective co-ordination and chains of command; proactive communication with professionals and the public; and a continuous, active engagement with the possible risks and solutions.

Clearly, terrorist attacks are a major threat that we continue to face. In recent times, as distinct from Northern Ireland-related terrorism, the threat became real in this country on 7 and 21 July. On 7 July, we were deeply thankful for the work of the emergency services, Transport for London and all those involved. After 21 July, many of us heaved a sigh of relief as the House rose in the wake of a failed bombing attempt. The summer may have allowed people to let the threat of terrorism slip from the forefront of their minds. We should not let that happen. The newspapers tell us that, as recently as two weeks ago, a group was prevented from carrying out another series of attacks, probably suicide attacks, in this country. A cool look at what we have done between July and now is needed.

First, there is no doubt that a huge effort has been put into devising legislation that might prevent, should deter and will punish terrorists. However, we must ask ourselves how much laws can achieve against a form of terrorism whereby our enemies care nothing for their lives. Indeed, the loss of their lives is their aim. While legislation might protect us against conventional terrorism—if one can describe terrorism in those terms—can it do the same for the new kind of radicalism? We need concrete measures to protect our citizens and make it much more difficult for terrorists to operate in our midst.

The Minister for Policing, Security and Community Safety, who is in her place, spoke recently about creating

"a difficult climate for the terrorist."

Since September 2001, have we done that? We need a well formulated and articulated campaign of public information about the flu pandemic and we need precisely the same for terrorism. The Home Secretary and his Ministers stick to the mantra that we must be alert but not alarmed. The Minister talks about striking a balance between telling people enough and not terrifying them. She is right in principle but wrong in practice about how much people have been told and how the balance has been struck so far.

Nearly 18 months ago, the Government published a booklet telling us how to prepare for emergency. It partly dealt with terrorism but the message was muted and 1.5 million households have yet to receive their copies. We can do better. There have been spasmodic poster campaigns on the underground and other parts of London transport and we are rightly told not to leave our baggage on the tube. However, do not we need to know what the threat is and how to deal with it? For example, why are not we told publicly what the national alert status is? Why do we need to depend on leaks from the BBC to tell us what the security services perceive as the danger level?

If, as must be the case, an alert and vigilant population is among our best defences against terrorism, we must engage the public actively in that task, explaining what they need to do and why raising the alert status is not crying wolf, however often we do it. We must also explain the sheer scale of information and intelligence that needs to be pursued if we are to be more likely to intervene successfully against future attacks.

We need a concerted campaign of public information because we know that knowledge dispels fear. To back that up, we must start basic public training. I do not mean that we should all practise running to the air raid shelter and donning our gas masks, but we need basic pointers about what we should do. If the Government need some guidelines on that, they need only examine how the people of Northern Ireland were taught to recognise the sort of vehicles that terrorists might use as bombs. Indeed, I recommend that the Government look closely at the way in which we handled similar threats over 30 years in Northern Ireland. New Labour has a habit of ignoring the lessons of history but lessons learned in Ulster could save lives in Britain today.

Beyond that, we need a single point of contact and a single Minister who has the authority to control and co-ordinate all the different elements of preparedness. I understand and appreciate the co-ordination necessary for the many agencies that are required. It depends on many different chains of command being effectively linked together. However, the essence of what is required is early action, constant examination of plans and leadership to ensure that the responses to risk are swift and effective. That is often achieved in respect of each of those chains of command by someone with authority from outside looking creatively and constructively—sometimes destructively—at their plans to see how genuinely robust they are.

Ministers are responsible for the effectiveness of our emergency preparations, and it is to Ministers that civil servants and Government Departments respond. In circumstances in which Ministers determine priorities in their Departments, we cannot look to the civil contingencies secretariat to carry the burden of securing the necessary priority and action across government. The most effective way of securing the necessary priority is a Minister for homeland security with sufficient seniority to have the single-minded focus to achieve it. On Monday, for instance, during the urgent question on avian flu, it was instructive that, when the Secretary of State for Health was asked what poultry farmers should

[Mr. Lansley]

do to protect their flocks, she replied, in effect, that that was a matter for the Department for Environment, Food and Rural Affairs.

How many different agencies were involved in the response to the events of 7 July? The emergency services did a magnificent job, but we need to be sure that the co-ordination worked, and continues to work, and that it offers the greatest effectiveness.

Angus Robertson (Moray) (SNP): The hon. Gentleman will appreciate that many of the subjects that he mentioned relate to devolved issues. Is it the position of the Conservative Opposition here that Scottish Executive Ministers should be directly answerable to a UK Government Minister on this question?

Mr. Lansley: Not all the issues are devolved. The functions involved in a response to avian flu are clearly not devolved and the Scottish Executive will be directly responsive to a UK-wide plan in those circumstances. The way in which the hon. Gentleman asks the question slightly begs a question. Scottish Ministers should not necessarily be answerable, but they should be accountable for adherence to one single plan. It is difficult to achieve the necessary co-ordination within the UK in the absence of that kind of responsiveness and responsibility.

Steve Webb (Northavon) (LD): Will the hon. Gentleman give way?

Mr. Lansley: I will, but then I shall need to move on, as I have a great deal to say about avian flu.

Steve Webb: I am following with interest the hon. Gentleman's argument for a Minister for homeland security. I presume that his proposal is for a Minister of Cabinet rank. Will he clarify whether that Minister would have his own Department, or whether he would be a stand-alone Minister with perhaps just a secretary? What is the scope of his proposal?

Mr. Lansley: My proposal is for a senior Minister, but not necessarily one of Cabinet rank. He could indeed have their own Department within the Cabinet Office. As someone who has worked in the Cabinet Office, I am familiar with the way in which it can support a Minister in that way. The Minister would have to be someone with sufficient authority—in this case, that authority would be derived from the Prime Minister—to implement the necessary co-ordination and linkages across the services that were required.

We all have to challenge ourselves constantly in regard to these issues. For example, in respect of 7 July, at the same time as we express our deepest thanks to the emergency services, we must look at what happened and ask how compatible the communications systems were. What risks for failures of communication were disclosed by those events? Why is breathing apparatus not compatible between the emergency services? Why were there not enough stretchers pre-positioned at King's Cross, which is a prime terrorist target? We have to look at such issues. The present combination of natural disasters, threatening pandemics and terrorist threats means that the risks with which we are dealing are many, real and, frankly, increasing. Our response must be proportionately thorough.

When my hon. Friend the Member for Newark (Patrick Mercer) winds up this debate, he will have the opportunity to respond to questions and to amplify on these issues. However, I want now to take this opportunity to deal with the specific threat of an avian flu pandemic. I shall not speak about seasonal flu, although the EU Health Commissioner, Mr. Kyprianou, might have unhelpfully confused the public last week into believing that the seasonal flu jab offered some protection against a future flu pandemic. There are good reasons, of course, for at-risk groups to get their seasonal flu jabs, and I wrote to the Secretary of State for Health on 5 October about delays in the availability of vaccines. I am afraid that she has not replied. It was denied on Monday that there were any such problems, so I should be grateful if the Minister would procure a reply for me on the matter, and perhaps even respond today.

The issue concerns an emergency: lack of preparedness for an avian flu pandemic. The House will be aware of the scale of the threat. On Sunday, the chief medical officer referred to the planning assumption of 50,000 excess deaths, based on an infection rate of one quarter of the population, assuming a mortality rate of 0.37 per cent. A range of mortality rates up to 2.5 per cent. have been considered. We simply do not know what the virulence of a flu virus that is readily transmissible between humans will be. The worst case scenario implies as many deaths in the 15 weeks of the first wave of a pandemic as would normally occur over a whole year.

We know that the H5N1 strain present in bird populations is highly virulent, with 117 cases contracted by humans who were in intimate contact with birds, of whom 60 died. We have no evidence of sustained transmission between humans. A genetic mutation leading to human transmission can be expected substantially to reduce the virus's virulence and the mortality rate among humans affected. We must assume, however, that we are dealing with a dangerous virus, in respect of which we have virtually no natural immunity in the population. We do not know when a virus capable of human-to-human transmission will occur, and given the increasing prevalence among large bird populations in south-east Asia, it must be far more likely that such a mutation will occur there, and the time at which it will occur must be approaching. As the World Health Organisation says, the question is not if, but when.

I do not now doubt the Government's awareness of the threat. The publication today of an updated contingency plan by the chief medical officer shows that the key issues are identified. Let me be clear, however: the threat has been evident for a long time. In June 2004, I pressed the Government to produce a contingency plan and prepare a stockpile of antiviral drugs. The French Government, for example, published their plan and procured 13 million courses of Tamiflu on 13 October last year. For a long time, Ministers were complacent. The multi-phase contingency plan was published shortly before the 1997 election—I emphasise that because the Secretary of State said that the

Government had published a plan in 1997, but it was the Conservative Government who did so—and it was not updated until March this year. Then, an order was placed for antivirals. The stockpile will not be complete until September 2006. On Monday, I called for an advance purchase order for pandemic flu vaccine. Today, the Government responded.

I should not have to do this—the Opposition should not have to come to the Dispatch Box to call for action by the Government and for such measures to be taken. It is all very well the chief medical officer saying, on about 14 October, "Not this year"—I am not here to criticise the CMO, as I think that he does a fantastic job and Ministers are responsible. The issue is that we cannot exclude the risk of pandemic flu next year and we are not yet ready.

In comparison with previous pandemics, we could do very well: we have the best science in the world, an NHS that has shown itself able to respond to emergencies, and new antiviral and vaccine technologies. All those resources, however, must be brought into action well in advance if we are to obtain the full benefits. As we shall see, however, we do not have the antiviral stockpile that is necessary, nor the millions of face masks and gloves needed. Research into vaccines, and priming the vaccine manufacturing capability, has not happened. Contingency plans, including today's, do not show how the NHS would cope with the tripling of demand for critical care beds that would result. The public and NHS professionals are confused and uncertain about how we would cope. All those things must change.

The United Kingdom Government's plans may be better than those of many other countries. Indeed, many countries have no plans. They have been slow off the mark, however, and the delivery of key elements has not even begun in some cases. Our planning should not be among the best in the world; it should be the best in the world, and that is what we will press for.

I am grateful for the presence of the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw). I want to say three things about avian flu in the bird population. First, we think it is time to warn free-range poultry keepers of the restrictions that may be placed on them, although not necessarily now, if there is evidence of high pathogenic avian influenza entering the United Kingdom in migratory birds. They need to know the plans for containment and how they can be helped to prepare for it now.

Secondly, poultry workers and those involved with game birds need information about what to look for and the personal protection measures for which they may be responsible in due course. Thirdly, there is the need to monitor wild birds. The Government and, indeed, scientists are not yet clear about the manner in which avian influenza is being transmitted among bird populations as a result of migration. It is all the more important in the game-shooting season for game birds to be sampled to establish whether the virus is present, and in what part of the wild bird population it occurs.

There is an important difference, which is not yet well understood, between avian flu in the bird population and pandemic flu in the human population. We know that there are serious major risks of transfer from the bird population by means of genetic mutation. Recent evidence from modelling in both this country and the United States suggested that the use of antiviral drugs and other public health measures where an outbreak of pandemic flu first occurred—in south-east Asia, for instance—could achieve significant progress in containing the outbreak at the outset, and could give everyone, worldwide, a breathing space in which to complete preparations for, say, a vaccine. Can the Minister tell us what specific measures our Government have taken to ensure that some of our resources and those of other countries in the developed world can be used to support an aggressive containment strategy?

We know that we do not yet have a stockpile of antiviral drugs, but we should ask how such a stockpile would be used. The pandemic flu contingency plan tells us that the stockpile should be the size recommended for treating the infected population—roughly enough for a quarter of the UK population to be treated. On page 150, the plan states

> "It should be emphasised that those national stockpiles provide no allowance for prophylaxis to protect key workers or maintain business continuity."

Earlier parts of the plan, however, make it clear that part of the intention is to use antiviral drugs for prophylaxis for health care workers in the initial stages of an outbreak, and post-exposure prophylaxis for people in confined communities such as nursing homes.

A good question, to which we increasingly need an answer, if there is one, is whether post-exposure prophylaxis—not for the whole population, as that would not be cost-effective, but in the event of initial outbreaks in populations, and perhaps in families when one family member has contracted the disease—can be used to constrain the spread of the disease and reduce the severity of symptoms. Is there a viable strategy for such a preventive measure to be employed? There may well be, but at the moment the stockpile being procured on the UK's behalf makes no such provision. The plan and the stockpile are not matching up. The Government should have procured a stockpile for treatment purposes. Moreover, by this stage they should have considered the need for prophylaxis and placed orders beyond September 2006, so that they could not only replenish the stockpile when necessary, but add to it for prophylaxis purposes.

There is also a limited risk of resistance developing to Tamiflu, which is the antiviral stockpile of first choice. I ask again the question that I asked on Monday but which the Secretary of State did not answer: have the Government considered making, or do they intend to make, Relenza available as a second-line antiviral drug?

On vaccines and their preparation, the Government say that they are going to buy 2 million doses of the H5N1 vaccine, which is a generic vaccine for treating avian flu itself, not the virus that might develop in humans subsequently. What exactly is its intended use? According to the plan, it will be piloted to see whether it is effective in treating those who are, or might be, in direct contact with avian flu, and also in treating health care workers. Is 2 million doses the right number, therefore? If the vaccine is likely to be effective in treating health care workers, does it not follow that it is likely to have some effect on the wider population? What assessment is being made of such effectiveness? The Joint Committee on Vaccination and Immunisation discussed whether an H5N1 vaccine should be

[Mr. Lansley]

developed for the whole population in order to prime its immunity against an avian flu strain that transfers to the human population, but which retains characteristics closely linked to the original virus. The French Government intend to do exactly that, and we need to know whether our Government are working on such a plan.

On face masks and gloves, the Australians have purchased 50 million face masks and a similar number of syringes, needles and so on. They placed the order in May, and they anticipate that they will be available in December. The French are contemplating ordering 200 million face masks for use by health care and social care workers. Let us get this in perspective. On the outbreak of pandemic flu in this country, within the space of just weeks we would need that number of face masks for our health care, social care and emergency service workers alone. In the course of a typical year, the NHS routinely purchases some 31 million face masks, so there is an enormous difference between what we will require and what we currently have. No order has been placed, no tender has been made, no action taken on the part of the Government. This is a simple, straightforward measure that should arise from any contingency plan, but it is not being adopted.

The Government have today placed the order for vaccines that I called for on Monday, but as the Minister will know, according to the pandemic flu plan published today, there are other issues with which to deal. Curiously, those issues are framed as questions. The appendix on vaccine policy points out that there are constraints on vaccine production, such as the availability of suitable hen's eggs. It states:

"Contracts could be put in place to secure year-round supplies of eggs".

Have they been put in place? Should they be put in place? Will they be put in place, and if so, when?

The appendix also points out that research into adjuvanted vaccines could be undertaken. That is interesting, given that last Monday, *The Times* reported that exactly such research into adjuvants to an H5N1 vaccine had been proposed by a combination of researchers, including researchers from the National Institute for Biological Standards and Control. They produced the proposal in the spring, but they have received no response. We need to know exactly what the Government are doing about that research. The Chancellor apparently plans to spend £2 million, but on what we do not know. We need to know whether it amounts to a response to that sort of research proposal.

Let us remember the importance of manufacturing capability. The public are being told that the Department of Health has purchased 120 million doses of vaccine for when pandemic flu occurs. It is not like that at all, though I am not blaming the Department: some press reports seem to suggest it, but that is not what is going on. What is really going on is an advance purchase order for 120 million doses, once we have been able to develop a vaccine, but significant manufacturing constraints have to be overcome before that can happen. The Government need to take certain measures.

To put it in perspective, 300 million doses of flu vaccine are produced worldwide each winter for seasonal flu, yet one country, the UK, would need 120 million doses to deal with pandemic flu. Just imagine the scale of the increase in production capability that would be required. Back in April, the influenza sub-group of the Joint Committee on Vaccination and Immunisation said that, ideally, we should have an additional vaccine production facility in the UK. We are clearly not in such an ideal position, so we need to understand how the Government will minimise the constraints on manufacturing.

Critical care beds are another important issue. Professor Menon of Addenbrooke's hospital set out clearly in an article in *Anaesthesia* that the draft contingency plan published in March did not deal with the problem. He found that the requirements for critical care capacity in respect of beds and staff to support them would be so dramatic that they would literally overwhelm the NHS, which would be

"unable to cope with the increased demand provided by an influenza pandemic."

That shows how important it is to manage demands on the NHS effectively. Professor Menon saw contingency planning as essential, but the contingency plan published today does not set out the necessary response. The NHS is told to respond in many respects, but at the local level, the NHS has proved unable to do the work or agree on what responses are necessary. In some cases, it is unable to put in place the resources for an effective response.

On communications with the public, the House should reflect on the communications plans set out in the back of the contingency plan published today. It states that there is virtually no recall of the launch of the Government's pandemic flu contingency plan among the general population. It also states that unless health professionals are directly involved in the planning for pandemic flu, they are likely to have only mixed awareness of its potential impact, of antiviral treatment and of the current contingency plan. An article in *The Observer* on Sunday pointed out that 77 per cent. of doctors did not know what the response to an avian flu pandemic would be.

I am sorry to have to take the House through all those details, but there are a range of deficiencies in our current preparedness. If action is taken now, major strides can be achieved in the coming months. This time next year, we will be better prepared for a flu pandemic, but if a contingency plan had been published a year ago, as it was in France, we would be better prepared now.

Today, the Minister has an opportunity to clarify whether the Government will take the actions that we have called for. This week, we secured action from the Government on advance purchases of vaccines, but much more remains to be done. I commit the Opposition to work proactively and constructively to secure the best possible preparedness against pandemic flu. In pursuit of that objective and on behalf of all those we represent, I urge the House to support the motion this evening.

4.49 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"pays grateful tribute to the excellent work of the emergency services, of Transport for London and of all involved in responding to the terrorist outrages of 7th July and 21st July; congratulates the Government on its comprehensive approach to preparedness for emergencies; notes the effectiveness of current Departmental responsibilities for emergency preparedness; further congratulates the Government on the steps taken to enhance communication with the public in respect of major threats; notes that supplies of vaccines, antibiotics, antidotes and specialist equipment are strategically placed around the UK for rapid deployment in the event of a mass casualty incident, and that spending on the stockpile to date exceeds £120 million; further notes that NHS organisations have well-established, comprehensive plans in place for dealing with pandemic influenza, and that the Government's updated pandemic flu contingency plan is being published today; welcomes the fact that the Government is stockpiling key drugs and equipment, and will have enough antiviral drugs to treat 25 per cent. of the population by September 2006; and recognises that good communication with the public and with health professionals is crucial before and during a pandemic and therefore congratulates the Government on making accurate and up to date information widely available to doctors and the public through various agencies."

Let me start by completely endorsing the first statement in the Opposition motion, which is also reflected in our amendment. We all share a deep appreciation of the response of the emergency services—and, as the hon. Member for South Cambridgeshire (Mr. Lansley) mentioned, Transport for London—to the terrorist outrages in July. In last week's debate on the emergency services, hon. Members from both sides of the House praised those who work on the front line, and I am sure that that will happen again today.

I am also sure that we would all agree that the tragic events in July underlined how important it is for the Government to prepare for major incidents, whether intentional or accidental, caused by conventional, chemical or biological material, or as a result of a natural disaster. That is why the Government have put in place a programme across all Departments to cover all parts of the United Kingdom. That is the capabilities programme, as the hon. Member for South Cambridgeshire said, and it identifies the action that each Department would need to take in the event of a major incident to ensure resilience across the UK. For example, my Department leads on ensuring that essential services for health care, such as pharmaceutical dressings, would be available in the event of a major incident. Each Department has such plans in place.

At central Government level, we identify future risks. The civil contingency secretary to the Cabinet Office considers the potential impact on the UK of any risks. The Civil Contingencies Act 2004, and the accompanying non-legislative framework, set out the arrangements and responsibilities at local, regional and national level for preparation for, and response to, emergencies. Regular major incident exercise and training programmes are undertaken across all agencies, involving international partners if appropriate. Those exercises enable us to test out the plans and familiarise staff with their roles in the event of an incident, and to update and improve the plans if necessary. We also learn the lessons of tragic events, such as those in July, and I know that my hon. Friend the Minister for Local Government has attended several meetings on that very issue.

Mary Creagh (Wakefield) (Lab): Has my hon. Friend had a chance to learn the lessons from hurricane Katrina? It seems to me that our Government could learn several lessons from that event, not least the advisability of putting hospital emergency generators underground—because they were flooded in that incident. There were also clear weaknesses in evacuation plans and half of the civil service has been laid off, because of the inability to pay public sector workers. Does my hon. Friend also agree that the American experience demonstrates that having a Minister for homeland security is no guarantee of an effective response?

Ms Winterton: We are considering the lessons that can be learned from hurricane Katrina and the recent earthquake. The former demonstrated the need for proper co-ordination at all levels, which sadly appeared to be lacking in that instance. We are confident that the processes that we have set in place ensure that such co-ordination is possible, at local, regional and national level, as well as between Departments.

Jonathan Shaw: An example of emergency services working together on the ground occurred at Boscastle, although it was a considerably smaller incident than those mentioned by my hon. Friend the Member for Wakefield (Mary Creagh). It was a natural occurrence that saw examples of great co-ordination, even though we did not have a Minister for homeland security. What is essential is good communication between Government and confident, well-resourced local agencies.

Ms Winterton: My hon. Friend is right; the issue is about co-ordination between agencies and, as he says, ensuring that we consider what happened in each case. My right hon. Friend the Minister for Policing, Security and Community Safety visited the police in that area, and is examining the other lessons that can be learned. She praised the work that was done.

My right hon. Friend will, I am sure, address some of the other issues relating to the Opposition's comments about a Minister for homeland security, but I want to move on to the issues raised about pandemic flu by the hon. Member for South Cambridgeshire—

Mr. David Heath (Somerton and Frome) (LD): I agree with the hon. Lady that the American political system is different from ours and the federal system does not easily translate, so not everything is applicable. What is of enormous interest, however, is the American investment in the Centre for Communicable Disease Control in Atlanta, which deals not only with epidemic and pandemic science but with animal and human infections and, indeed, zoonoses. Has the Department considered that? Could it give us some pointers to link the efforts of the Department for Environment, Food and Rural Affairs and the Department of Health to deal with communicable diseases?

[Ms Winterton]

Ms Winterton: I shall be coming to some of the work that we are doing internationally, especially on pandemic flu, but there is of course a read-across in terms of relationships with other research bodies. I draw the hon. Gentleman's attention to the Health Protection Agency, which does excellent work in that field.

I want to examine the work that we are doing internationally, nationally and locally on pandemic influenza. The hon. Member for South Cambridgeshire began his contribution with questions about some of the action that DEFRA was taking. I am sure that he is aware that DEFRA published a contingency plan in July, which addresses issues such as forewarning poultry farmers about the action that they need to take. Surveillance is already under way both in the UK and across Europe, and I can assure him that DEFRA is taking all necessary action. We have close co-ordination with the Department on the issues that he raised.

As my right hon. Friend the Secretary of State for Health told the House on Monday, we take seriously the issue of an influenza pandemic. As has been said, up to 25 per cent. of the population could be affected and we have to plan for at least 50,000 deaths, but it is important to stress that so far avian flu has not mutated to a form that can be transmitted from human to human.

Mr. Graham Stuart (Beverley and Holderness) (Con): We are all equally grateful that mutation has not taken place, but from previous pandemic experiences we know of the speed with which viruses can travel across the world and the likelihood of that can only increase. Why did it take until March 2005 to produce the plan that my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) raised with the Minister in October 2004, when there is a limitation on resources to access vaccines and antivirals?

Ms Winterton: I remind the hon. Gentleman that a plan was in place; it was introduced in 1997 and we hold regular meetings to look into its implementation. In addition, the hon. Gentleman should be aware that we have been implementing parts of the plan and were able to learn certain lessons when we updated it in March and July. Our preparations for pandemic influenza are among the best in the world. The World Health Organisation has recently said that we are one of the leading countries in the world in terms of our plans and preparations.

Mr. Lansley: I am grateful to my hon. Friend the Member for Beverley and Holderness (Mr. Stuart) for asking that question, to which he has not received a good answer. The multi-phase contingency plan, published in 1997, did not refer to the preparation of an antiviral stockpile because antivirals were not available in that form with that proven effectiveness at that time. Yes, we are ahead of many other countries, but the French, Belgians, Dutch, Australians, New Zealanders, Canadians and Americans, to a limited extent, and Germans were negotiating to purchase an antiviral stockpile before the point at which the British Government entered into a contract to purchase a stockpile of antiviral drugs. My hon. Friend asked a perfectly reasonable question. Why were we not among those at the forefront of such planning?

Ms Winterton: As the hon. Gentleman knows, we have been planning the purchase of antivirals and considering vaccine immunisation. I will come to that later in my contribution, by the end of which I hope to have illustrated and reassured the hon. Gentleman that the plans that we have in place are adequate, that they are kept under constant review and that, as I have said, they are considered to be among some of the best in the world.

We work with international partners, including the European Union and the World Health Organisation, to enhance global prepafedness for an influenza pandemic and to support vaccine development. We have been at the forefront of international work on mathematical modelling and surveillance. We jointly chair the flu pandemic preparedness strand of work of the global health security action group of G7 countries. Earlier this year, we hosted an international mathematical modelling conference, which was the first of its kind on pandemic flu.

On vaccine development, we are working very closely with other countries, the WHO, the European Commission and manufacturers to ensure that a vaccine against pandemic flu can be developed as quickly as possible once, of course, a pandemic influenza strain emerges.

We are taking an active part in international discussions on avian and pandemic influenza. As part of our EU presidency, we have included the issue on the agenda for the EU Health Ministers informal meeting tomorrow. I will also attend an international meeting of Health Ministers in Ottawa next week to discuss pandemic flu preparedness.

Patrick Mercer (Newark) (Con): The Minister talks eloquently about meetings, plans and thoughts. I am delighted that there is at least something on paper, no matter how late it might be or otherwise, but my constituents are utterly confused.—*[Interruption.]* They managed to overcome their confusion at the general election. When will the Minister tell us about a coherent plan to explain all this to the people who are very confused and afraid?

Ms Winterton: I hope that the debate will provide an opportunity for us to ensure that we explain the situation. Of course, the chief medical officer has taken action today to update the plan and to issue communications to the public and the health service about our preparedness in the UK. Let me stress again that we were one of the first countries to publish a pandemic contingency plan. The plan, which was updated in March, is being reissued today by the chief medical officer, as I have said. It provides the overall framework for an integrated UK-wide response, and it sets out what action we should, and can, take before a pandemic strikes and what we need to do when it arrives. Obviously, the plan examines how we can reduce the health consequences of a pandemic as much as possible. It also analyses the disruption that a pandemic could cause to essential services and people's daily lives. As we have said, measures such as antiviral

treatment and immunisation will be the best way to address the situation when they become available. We are preparing the NHS and society as a whole as best we can.

Patrick Mercer *rose—*

Ms Winterton: I will give way to the hon. Gentleman one more time, but I should then move on because the hon. Member for South Cambridgeshire raised many issues that I want to address.

Patrick Mercer: I have been impressed by the newspaper campaign on seasonal flu, which is helpful, useful and reaches the parts that other campaigns do not reach. I take it from what the Minister said that something similar is about to follow from the chief medical officer.

Ms Winterton: Information will be circulated to GPs this week and that can be passed on to the public. I can certainly let the hon. Gentleman have a look at that—

Patrick Mercer: Public information?

Ms Winterton: That will include public information, too. It is important for all of us with responsibility for the matter to ensure that we get the message right so that the public understand the necessary action that must be taken.

The updated copy of the plan, which is based on new mathematical modelling, shows that a pandemic could be over more quickly than we thought, but could affect more people at its peak than was thought. It shows that the same overall number of people would be affected as was thought, albeit in a shorter time. That obviously means that the NHS must examine its local plans. The plan has also been updated to reflect our antiviral strategy. For example, there is consideration of the use of walk-in centres and pharmacists for the distribution of antivirals.

I thought that the hon. Members for South Cambridgeshire and for Newark (Patrick Mercer) were slightly disparaging about some of the research and meetings and the plans that we have been drawing up. However, they are an extremely important aspect of the work that must be done, especially on research and development, which is key to the effective preparedness for pandemic flu. The Medical Research Council— the hon. Member for Northavon (Steve Webb) also asked about this matter—is actively involved in our preparations and its chief executive is going to south-east Asia shortly to determine what further research the council can do. As I said earlier, we are working closely with the Health Protection Agency on its research strategy, especially regarding surveillance procedures.

Adam Afriyie (Windsor) (Con): It seems to me that we have 60 million people in the United Kingdom and thus 60 million sets of eyes and ears. The Minister says that the Government are trying to get information out, but I am not entirely clear what information she wants to give to the public.

Ms Winterton: We must set out in our plans the facts about avian flu. We must make the differences between avian flu and seasonal flu absolutely clear. We need to indicate what we currently have a vaccine for and what we must develop a vaccine for in the future. For example, we need to make it absolutely clear that it is important for people to get their seasonal flu vaccinations. We need to emphasise that even more than ever. However, we have to ensure that people understand that that is not a vaccine against what avian flu might become if it mutates into a pandemic influenza. We want to reassure people that we are doing all we can to develop a vaccine if the virus mutates into a form that can be transmitted from human to human. In addition, we need to make it clear that there is no conclusive evidence that the H5N1 strain of bird flu, even though it can be passed to human beings, can be passed between them. Those are the sorts of messages that we need to get across. We also need to communicate our messages to the NHS, but we have been very effective in doing so as part of our contingency plans.

Let me emphasise how closely we have been working with researchers, regulators and manufacturers to ensure that we have a vaccine as soon as possible after we have identified the pandemic strain. We estimate that, once the strain has been identified, it will take between four and six months to start production. The hon. Member for South Cambridgeshire asked when that will happen. The chief medical officer announced today that a request for tenders will be placed tomorrow for that advance purchase of vaccine. As I said, we are one of the first countries to do that: I understand that out of potentially 180 countries, only four other countries—Australia, Italy, France and Canada—have already placed so-called sleeping contracts in the past few months. We are therefore well ahead in terms of placing our contract. That has enabled us to ensure that our order is placed for the most up-to-date vaccine—the second generation in terms of vaccine development.

David T.C. Davies (Monmouth) (Con): Did not Australia start to get to grips with the problem months ago? It put in orders for surgical masks and gloves, which I understand came from a UK company, and as a result it is now hard for us to get those supplies for the NHS.

Ms Winterton: I shall talk later about surgical masks and gloves and tell the House what action we are taking. I repeat: we have been praised for the plans that we have put in place. Different countries have chosen to act in different ways, but we have been praised for the fact that our plans are detailed and consider all aspects of what might happen in the event of pandemic flu.

Mr. Heath: I do not want to detain the Minister, but I am concerned. We are hearing a great deal about preparations for a human epidemic or pandemic. What we have not heard is that this is currently a veterinary problem, not a human medical problem; what the process is for preventing the disease becoming endemic in our bird population; and what symptoms people who keep back yard chickens, for example, should be looking for. That is the sort of information that some of the confused constituents of the hon. Member for Newark

[Mr. Heath]

(Mr. Mercer) might want to hear at this moment. What should people be looking for in the bird population, whether domesticated or wild?

Ms Winterton: As I explained, the Department for Environment, Food and Rural Affairs contingency plan for avian flu was published in July and is regularly updated. It contains up-to-date biosecurity and health advice and can be found on the DEFRA website. Earlier this week, the National Farmers Union praised the action being taken by DEFRA to ensure that poultry farm workers are aware of what to look out for. I can assure him that DEFRA is working closely with the industry, which supports the Government's current assessment of the risk and the advice that is being given. I hope that that reassures him.

The hon. Member for South Cambridgeshire asked for details about the H5N1 vaccine. We are going to stockpile 2 million to 3 million doses of the H5N1 vaccine, and are about to place the order. We did not do so earlier, because we wanted to use the latest research to inform product development. A traditional vaccine for H5N1 would not create a high enough immune response in people vaccinated with it, so we used the best and most recent research to ensure that we will get the best product. As the hon. Gentleman will know, H5N1 vaccine protects against human transmission of the virus. At the moment, birds with avian flu can give it to humans but, as I have said, there is no conclusive evidence that it can be transferred from human to human. The French contract is not for H5N1—it is exactly the same as our sleeping contract, and is for whatever vaccine is required to deal with a pandemic once we know the strain that has developed if, indeed, it does. We will use the H5N1 vaccine for NHS workers only if appropriate—it may well be the case that it is not suitable for what develops from the H5N1 influenza.

This is a precautionary measure, but the JCVI said this afternoon that if the risk assessment of H5N1 coming into our poultry flock rose we would add seasonal flu vaccine to the existing recommendation on Tamiflu treatment. If a poultry worker became ill we would treat them with Tamiflu, and we would give other people who were not ill but exposed to the virus prophylactic treatment with Tamiflu. Vaccination for seasonal flu would be given at the same time to stop anyone getting the seasonal flu virus. If they had that virus and the avian flu virus there would be a risk of recombination and an extremely dangerous human-to-human infection. We shall therefore use that combination of two treatments for affected poultry workers.

Mr. Lansley: If the risk assessment suggests that that is the right action it is a very good protective measure for poultry workers. Clearly, there will come a point—I accept that it may not be now—where the evidence suggests that there is a risk of a genetic shift so that the virus that is transmissible between humans bears a close relationship to the H5N1 virus. In that case, the vaccine that has been developed using reverse genetic engineering may be effective. Presumably, that is when the Government would say that they would use the vaccine for NHS workers, for example. If that looks like it might be effective, is there not a prima facie case for population vaccination, rather than just NHS vaccination? I am asking that that be considered, and that we be informed as soon as possible if the evidence points in that direction. We need to know whether that is likely to happen. We would have to wait about five months for the minutes of the JCVI to find out what was discussed and agreed.

Ms Winterton: If it became obvious that the H5N1 vaccine was appropriate for a mutation that had occurred and could be transmitted between humans, we would ensure that our sleeping contract delivered the vaccine for the whole population. At present, however, there is little point in our ordering 120 million doses of a vaccine that we are not sure would work in those circumstances. We have ordered 2 million to 3 million doses so that we have that ready in case it works. That is precautionary. It would not be wise for us to order 120 million doses at this stage without knowing whether it worked.

We have set in train our ability to order as soon as we can. If we know the strain, we can order the vaccine that is needed. In advance of that, antiviral drugs are the most effective way of treating patients and reducing the impact of the pandemic. We spent almost £200 million to create a stockpile of 14.6 million treatment courses of antivirals. That will be enough to treat the 25 per cent. of the population who may become ill with pandemic flu. As the hon. Gentleman said, the stockpile will be complete by September 2006. We have 2.5 million treatment courses available at present.

The hon. Gentleman asked about our strategy for antivirals. We would use antivirals for treatment of those who become ill with pandemic flu. As I said, they are not generally intended for prophylactic use. The stockpile is intended to be large enough to treat all those who become ill, based on the estimates that we have received from experts. The question who should receive priority ought not to arise.

Of course we are aware that there is a risk—currently a very small risk, we believe—that the pandemic might strike before the stockpile is complete. In those circumstance, we would prioritise the treatment of front-line health care workers and then those in at-risk groups. I can assure the hon. Gentleman that we have not completely ruled out the use of antivirals for prophylaxis—for example, we would keep under review the need to protect poultry workers where there is an outbreak of avian flu among birds, or to protect the close contacts of someone arriving in this country with symptoms of avian flu.

Comparisons have sometimes been made with France's Tamiflu order. As the hon. Gentleman said, it is exactly the same as ours. It will not be complete until the end of the year. It has been ordered in powdered form, which means that it then has to be turned into capsules, whereas we have taken the decision to order it in capsules so that it can be distributed quickly, as soon as it is needed. We have taken what we believe is the simplest course in that respect. Roche, the manufacturers of Tamiflu, announced on Tuesday that the United States Food and Drug Administration had granted approval for an additional manufacturing site

in the US for the supply of Tamiflu. The company recognises the need to expand production and is prepared to discuss all available options for doing so.

It has been suggested that we should also be stockpiling the other antiviral drug that is available, Relenza, but the issue is not quite as straightforward as it might seem. Relenza is given by inhalation and is licensed only for those aged 13 and over. It also needs to be used with great caution by people with asthma, and there is also some evidence that elderly people might find an inhaler difficult to use. However, we will continue to review our policy if new evidence emerges.

The challenges facing the health and social care system would undoubtedly be on an unprecedented scale and would be felt across all sectors. The hon. Gentleman asked about critical care capacity, and we are very much aware of the paper prepared by Professor Menon and have set up a group chaired by the deputy chief medical officer to look at the very issues that he raised. We have invited David Menon and other experts on to the group and we will keep that issue under constant review.

Dr. Andrew Murrison (Westbury) (Con): I should be grateful if the Minister could clear up one matter that has caused some confusion. In the publication "Pandemic Flu" on page 122 there is talk of the use of prophylaxis for key workers, yet on page 150 it specifically excludes the use of prophylaxis for NHS workers as part of the Department's purchasing plans, so there is some confusion there. It would seem sensible to make provision for prophylaxis for NHS workers if for no other reason than to give them confidence, because I suspect that sickness absence might be significant in the event of an outbreak.

Ms Winterton: As I have said, we want 14.6 million courses available for treatment if necessary, but we will keep our policy under review. If we need to make decisions on priorities because it is not all available at the same time, we will consider that.

The hon. Member for South Cambridgeshire also asked about medical equipment such as gloves and masks for health workers, and we have taken action in that regard and have agreed the requirements with the Health and Safety Executive. It was important to ensure that we ordered the right type of masks and gloves. We have had advice from the HSE, but we are also discussing the matter with health care professionals, because we need to ensure that we provide them with the most effective gloves and masks, and we want to get that right before we place an order. As soon as those discussions are complete, we will do so.

David T.C. Davies: Is the Minister suggesting that the Australians have not got it right, or did they get it right and get it right several months before her colleagues did?

Ms Winterton: We discuss with the HSE its recommendations, but we also want to ensure, through discussions with health care professionals, that what is ordered is appropriate for their use.

I can assure hon. Members that planning for a flu pandemic is a top priority for local and regional resilience planners in the UK. Within health and social care, we are working with NHS and social care organisations to help them make plans to deal with the practical consequences of a pandemic, including increased demand for services, possible shortages and staff absences.

The operational guidance issued in May encourages close collaboration with local stakeholders to ensure that robust local plans are put in place, are regularly tested and are updated. Central Government are working closely with the organisations concerned to make sure that those plans are implemented.

Mr. Graham Stuart: Will the Minister give way?

Ms Winterton: If the hon. Gentleman will forgive me, I must move on because other hon. Members want to speak.

The hon. Member for South Cambridgeshire is right that good communication with the public and health professionals will be crucial both before and during a pandemic. As I have said, stories have appeared in the media about avian flu, pandemic flu and seasonal flu, and such stories sometimes cause confusion. We want to ensure that the public have clear and accurate information about a pandemic and its consequences. We have extensively tested the communications materials that will be used in the event of a pandemic with the public, and during the summer the chief medical officer alerted all doctors to guidance and advice on the Department of Health and the Health Protection Agency websites.

Next week, we will be sending packs of information, including that already available on the website, to all primary care professionals, including GPs, and the CMO will send a letter enclosing frequently asked questions and key facts to every GP to help them support patients who may have concerns about pandemic flu, and those materials are available on the Department of Health website, too. As I have said, our planning for a pandemic has been highly commended by the World Health Organisation as being at the forefront of international preparation. I assure hon. Members that we are not complacent and that we keep our plans for not only pandemic flu, but general emergency preparedness under constant review, and we will make any necessary updates on the best available evidence.

I hope that I have reassured the House about our strategy, and I urge hon. Members to reject the Opposition motion and to support the Government amendment.

5.32 pm

Steve Webb (Northavon) (LD): Although our debate has focused on avian flu and preparation for a possible pandemic, I join the hon. Member for South Cambridgeshire (Mr. Lansley) and the Minister in highlighting the superb performance of our emergency services and Transport for London in responding to the events of 7 and 21 July, and I endorse the Conservative Opposition's decision to put that point on the record in their motion.

I, too, want predominantly to focus on preparation for a flu pandemic, but I want briefly to comment on whether the best way to respond to emergencies is to have a dedicated Minister for homeland security.

[Steve Webb]

This afternoon's debate has helped to clarify the Conservative proposal. I entered the debate with an open mind, which I try not to do very often, but the Conservative proposal is paradoxical, because the Minister is supposed to be a senior Minister, but not necessarily a Cabinet Minister. The Secretary of State for Health is currently taking the lead and working with other Departments on avian flu. The proposal is to appoint a Minister junior to the Chancellor of the Duchy of Lancaster, who is not a household name: I had to ask my hon. Friend the Member for Somerton and Frome (Mr. Heath) who holds that post. It seems implausible that the Chancellor of the Duchy of Lancaster's junior will have enough clout in government to make things happen. Because of the rest of the text, I encourage my hon. Friends to support the Conservative motion, but I want to register the point that we are not convinced by that proposal.

Adam Afriyie: Does the hon. Gentleman agree that having a single Minister of whatever rank who is responsible for homeland security, which is one of the key issues that we all face, is sensible and reasonable in principle?

Steve Webb: I certainly think that having a Minister with overarching responsibility for these matters is a good thing. The Home Secretary is already that person in relation to preparation for a terrorist emergency. I would be surprised if the Conservatives wanted to create more Ministers and extra bureaucracy and duplication. The debate is a funny mixture—it is almost as if there were two very different things that they wanted to talk about and which they lumped together. The Minister with the expertise to respond to a pandemic would be a very different person from the person who has to prepare the country for a terrorist attack. Using the same debate to cover two different areas does not help.

We have discussed how far in advance the Government were alerted to these issues. I place on record my tribute to my hon. Friend the Member for Somerton and Frome, who had the foresight to raise them in the House in March 2003 in a debate called, "Viral Pandemics". As long as two and a half years ago, he challenged the Government on their state of preparedness for them. The then Health Minister, the hon. Member for Tottenham (Mr. Lammy), said:

"The UK was one of the first countries to publish a national pandemic influenza contingency plan in 1997"—

under the previous Government. He went on:

"it is important that plans are kept up to date and the plan is now being updated". —[*Official Report*, 26 March 2003; Vol. 402, c. 137WH.]

If it was being updated in March 2003 when my hon. Friend drew attention to the issue, why did it take until March 2005 to produce it? The Government have taken too long to get moving on these important issues.

Several concerns have been expressed about the Government's strategy, one of which relates to the stockpiling of Tamiflu. It is obviously, as far as we know, the best game in town, but there are worries about its effectiveness. A July 2003 academic study into the clinical effectiveness of oral oseltamivir, which is the same thing as Tamiflu, says:

"One systematic review found that oseltamivir reduces the duration of symptoms by up to 1 day but one subsequent RCT"—

randomised control trial—

"found a smaller difference between oseltamivir and placebo. Two RCTs found that oseltamivir increased nausea and vomiting compared with the placebo."

Although that was a couple of years ago, how reassured are the Government that Tamiflu is effective?

A report in the journal *Nature* refers to a Vietnamese patient who has a form of bird flu virus that has become partially resistant to Tamiflu. The report suggests that it

"may not be effective enough if an outbreak does happen."

I understand that, if there were an alternative, the Government would be buying it instead of Tamiflu, but how robust is their advice on its effectiveness? Are they confident that it is effective as is hoped?

The Minister talked about the pros and cons of Relenza as an alternative antiviral. It may be unsuitable for some groups, but if there are question marks over Tamiflu should not the Government be looking at other antivirals as part of the strategy? For example, should not we be stockpiling them for groups for whom using an inhaler is not a problem?

The Government say that it will be another year before they reach their target of covering a quarter of the population. What are they doing to work with Roche and other providers to increase supplies more rapidly? Roche has said:

"we are prepared to discuss all available options, including granting sub-licences, with any government or private company who approach us to manufacture Tamiflu or collaborate with us in its manufacturing."

I appreciate that the Minister said that another manufacturing plant was being opened in the United States, and that is welcome, but what are the British Government doing to talk to Roche about the possibility of sub-licensing alternative manufacturers? Clearly, we all hope that we will get away with it and that nothing happens before we have our stockpiles, but should not the Government do more by working closely with the drug companies to ensure that things move more rapidly?

Let us consider the adequacy of the contingency plans. I was startled by the response of the Secretary of State for Health on Monday to my urgent question when she said:

"My understanding is that all health authorities and PCTs have plans in place".—[*Official Report*, 17 October 2005; Vol. 437, c. 632.]

Will the Minister who responds to the debate clarify what plans the Secretary of State was talking about? Do all health authorities and primary care trusts have pandemic flu contingency plans in place? That is not my impression and I would therefore appreciate some clarification.

I am also worried because primary care trusts have to implement the plans. At the moment, they have other things on their minds, such as being abolished, merged or restructured—*[Interruption.]* And, indeed, in deficit. Will the Government reconsider the plan to restructure PCTs and health authorities while anxiety about a possible pandemic is gearing up and we are asking them to be thoroughly prepared to put emergency measures in place? Are organisations that are undergoing huge

turbulence and upheaval best placed to do that? Is not it more important that the emergency plans are in place than that the Government's restructuring is effected? Should not the restructuring be put on ice?

My hon. Friend the Member for Somerton and Frome asked the Minister about measures to prevent veterinary spread. In other words, if there are outbreaks of bird flu in, unsurprisingly, the bird population, what will be done not so much with large-scale poultry farmers—the Minister's response was all about the National Farmers Union and the industry—but about people with a few chickens in the back garden? The disease could be spread just as easily through them. I am not talking about poultry workers, who may be well organised and briefed, but individuals whose actions or inaction could lead to the spread of the disease. I do not imagine that someone with half a dozen chickens in the back yard regularly checks the DEFRA website for guidance. What are the Government doing about proactively ensuring that people who keep poultry use the best possible animal husbandry methods and are aware of what they should do if they detect symptoms and, indeed, that they know what the symptoms are? That could apply to large numbers of people. What is being done to ensure that they have the best available advice?

In *The Times* today, the United Nations expert made a powerful observation. He said:

"The preparedness of the world depends not so much on who is strong, but on who is weak."

I would be delighted if the Government could tell us that we have not only one of the best plans but the best in the world. If it is true, that is great but we are vulnerable if we are not doing everything we can to ensure that the places where a human outbreak might start are also as well prepared as possible.

Although the Minister said that scientific experts are travelling around—I think she said that they are examining research into vaccines—what are the Government doing to ensure that poor countries that perhaps cannot afford stockpiles of antivirals or all the necessary vaccines, get support from our Government and others to put them in the best possible position to contain an outbreak, thus protecting both ourselves and the citizens of those poor countries? Clearly, we have a self-interest as well as a humanitarian interest in ensuring that that is done. Although some of the manufacturers of antivirals and vaccines have pledged to make limited supplies available cheaply, if not for nothing, to some of those countries, what part are the Government playing in ensuring that that happens?

I raised the matter on Monday in an urgent question and we received an initial response from the Government. Today, the Minister tried to respond thoroughly to several issues that the Opposition raised in their motion. However, when the chief medical officer refers to 50,000 deaths, it is not well understood that that estimate is based on 14 million people getting the symptoms of a flu pandemic. We can remember what happened when people believed that they would run out of petrol. The country almost ground to a halt because everyone panicked, people rushed out and that caused problems for the distribution network.

I want the House to imagine the build-up to 14 million people—over a long period, admittedly, but the Minister said that the peak could occur sooner than we think—having the symptoms of a disease that is killing people. There will be stories on television night after night of thousands of people dying and being buried. If someone in my family got those symptoms and we then discovered that there were not enough antivirals and that my child or my brother would not have access to them, I cannot begin to imagine how different the scenario would be from the calm, measured ones that we might sit and plan in Whitehall or Westminster.

I do not want to be alarmist—this has not been an alarmist debate—but I would like to seek reassurance from the Minister that contingency planning is based not on the response of calm, rational, reasoned individuals but on irrationality, and on people panicking and being desperate. How would everything work if that scenario were meshed with a situation in which large numbers of people were off sick and the transport infrastructure was not working? Can the Government reassure us that they have built into their planning scenario that kind of world, rather than one in which people have a measured and rational response to the crisis, because I fear that that is not what we would get?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. There is not much time left and, as no time limit was placed on Back-Bench speeches, I hope that hon. Members will self-regulate. There are still about six hon. Members seeking to speak in the debate.

5.46 pm

Mr. Bruce George (Walsall, South) (Lab): We have been throwing brickbats at the Government—some of which are perhaps deserved—but I wonder how good we, as a Parliament, are at dealing with civil contingencies. The answer is that we are very bad at it. We have Select Committees that inquire into their own Departments, but that misses the point. The issues of contingency planning, emergency planning and resilience cannot be resolved by one Select Committee monitoring one Department.

What has come out of the events of the past few years is that the Government's response needs to cut across all Departments, horizontally and vertically, and across regional and local government, the emergency services, the private sector and those who look after our critical national infrastructure, which is mostly privatised. Is our Select Committee system remotely fit to monitor that range of inter-departmentalism? No, it is not. We excel at stove-piping better than the most stove-piped industry or Government Department in the country.

There have been limited examples of inter-departmentalism in Parliament, involving collaboration between Select Committees. I have to say that most of that work involved the Defence Committee. There were collaborations between the Defence and Foreign Affairs Committees, and the Defence and Trade and Industry Committees. The Defence Committee also played a major role in setting up the quadripartite Committee. We sought to break away—I should not say "we", because I am no longer a member of the Defence Committee—from that very limited approach to the role of the Select Committee. There are other mechanisms that can be used. We have the Liaison Committee, and there was a Joint Committee on the Bill that became the Civil Contingencies Act 2004. Perhaps that is a model with which we can proceed.

[Mr. Bruce George]

After 9/11, I called together the Chairmen of a number of Select Committees and suggested that as we were all going to be involved in examining the consequences of those events, we should establish some ground rules so that we did not each ask the same people to appear before each Committee, as the US Congress does, and ask them all the same questions. I suggested that we collaborate. The response was zero. For one reason or another—decent reasons, no doubt—my colleagues were not prepared to collaborate.

What did the Defence Committee do? We did it ourselves: we walked over all the Government Departments. An expurgated version of what one Minister is alleged to have said to us is, "What the devil is the Defence Committee doing walking all over my Department?" That was a classic example of stove-piping. Yet the result was the best report that the Defence Committee has ever produced, because we considered the issue across a broad base. I suggest that we, as parliamentarians, start to put pressure on our colleagues to consider an alternative model for the way in which we and those up the Corridor—like it or not, the House of Lords is also part of the parliamentary process—scrutinise the decision-making process, so that we can do it more effectively. If we were to ask the Library how many questions had been asked about the civil contingencies secretariat over the past three years, we would be given the answer, "Hardly any." It is okay having a good rant on an occasion such as this, but what are we doing seriously to scrutinise and influence the decision-making process?

Mr. Graham Stuart: Does the right hon. Gentleman agree that a ministerial post could offer the opportunity to bring that together and should not be dismissed out of hand?

Mr. George: That was going to be about my 11th point until I was instructed to make a short speech.

The Defence Committee's superb report, "Defence and Security in the UK", which, of course, everyone will have read, considered the matter. The then Home Secretary was not ecstatic about our proposals, because he thought that we were attacking him, which we were not. We did not want a director of homeland security—a Tom Ridge-type character—and events have shown that the American model is not very appropriate for the United States, let alone the United Kingdom. Any Home Secretary is overburdened with a range of activities, one of which is contingency planning and counter-terrorism. The Defence Committee proposed that there should be a very senior Minister because, as has been pointed out forcefully, someone who operates in Cabinet as an observer at Minister of State level in the hierarchy will just be used as an office boy. Therefore, it would be a good idea to have someone devoted to cutting across this whole range of activity as it is more than a full-time job. That idea is not getting very far, however.

I am sorry to keep on about the Defence Committee, but the report was excellent. At the time that we produced the report, the civil contingencies secretariat had been established—it was established before 9/11, and therefore had an opportunity to flex its muscles. The report stated:

> "It is a matter of regret that the CCS was not able to respond more positively and energetically to the events of 11 September. Instead of using its unique position at the heart of Government to lead a strategic response it seems to have become bogged down in the details of the plans of individual departments and the relationships between them. Instead of being the solution to the habitual 'departmentalism' of Whitehall, it has become a casualty of it".

Two and a half years have passed since then, but one suspects that the problem of departmentalism has not yet been resolved.

I am not totally convinced about the lead Department concept, for a number of reasons. One might be a very good permanent secretary and able to operate one's Department pretty well in the normal crises that might unfold in the course of a working day, week, month or year. But we are now talking about leading the Department's response to a humdinger of a massive terrorist attack—not one or two on the Richter scale but 10—that has gone through the military and intelligence system just like the first attack in July this year. One wonders whether all Departments have done what the Ministry of Defence has done, which is to train a core of people who will head that response on behalf of the Ministry of Defence—professionals who are trained and have the psychological make-up to deal with such a crisis, who have attended relevant courses and spent a great deal of time eliciting information. I hope that all Departments are prepared to do that. Criticism of the permanent secretary by me and Members of Parliament is not something that Departments like, but the idea should be considered.

It is not a failure of this Government that causes me anxiety but of government in general: has anybody seen an organisational chart of central Government Departments, regional and local government, the health service, the intelligence services and the private sector, showing who is involved in the process of trying to pick up the pieces should there be an attack? In my experience, it is sometimes difficult for the Ministry of Defence to talk to the Ministry of Defence. What we have here is almost the entire spectrum of Government, and government in society, all of it heaped together in a labyrinth of decision making and input. Have we reached the point at which we can say that each component is trained for the task and prepared to respond? Is there the necessary glue and are there the necessary mechanisms for co-ordination? Is the decision-making process adequate?

We can learn much from our own exercises, our own mistakes and other people's mistakes, of which there are many. I understand why a small country, or a poor country such as Pakistan, cannot respond effectively. It is more reprehensible for the largest country in the world to fail so miserably. Why has that happened? The reason may be cronyism. Perhaps those who reached the top positions were appointed for their party political loyalties rather than their expertise. Perhaps the federal system, deliberately constructed more than 200 years ago, is to blame. The country should have stuck with the United Kingdom if it wanted an example of centralised decision making. The process of fragmented decision making was created with the intention of rendering decision making almost impossible, and that is what has happened.

My main criticism of the process is that, despite the experience we have gained, we cannot be entirely certain that, for all its exercises and expertise, Cobra—the Cabinet Office briefing room—has been fine-tuned to deal with all crises. Too much responsibility is heaped on the police because they are so professional. Is the gold-silver-bronze system working to the desired extent? That may not be the case.

Adam Afriyie: It feels rude to interrupt the right hon. Gentleman's flow, but he has not mentioned the general public. In Windsor, we have a castle and a military presence, so there are some fairly clear targets. It seems to me that, among 60,000 or 70,000 people, there are many eyes and ears that could help to prevent threats of terrorism and other dangers. Is that part of his thinking?

Mr. George: It is point eight, which I shall now push up the hierarchy.

I do not think that the Government have properly activated the private sector, which is now central to our economy and contains a great deal of expertise. A good deal of responsibility has been bestowed on those in the private sector because, should the balloon go up, not many military and police personnel will be available and they will have to defend their own premises. I wonder whether businesses and others in the sector have been told, "You must be clued up. You must have contingency plans. You must know what resilience is. You must know what to do if there is a direct hit on your premises."

If a concern in Canary Wharf, the City of London or the financial services sector elsewhere is out of business for half a day, it is dead. Are companies prepared to spend enough to develop in-house expertise and enable shareholders and employees to feel confident that, in the event of a disaster, the safety of personnel will be secured as far as possible and they will be able to repair to other parts of the country where there will be office accommodation, computers and staff who do not work in the central office, so that the organisation can soon be up and running?

We should consider how many of the companies that were based in the twin towers folded. How many of the companies that were destroyed by the IRA bomb in Manchester exist now? Some business men think, "My insurance will take care of it." It will not. Some think, "No one will attack my company", but someone might be prepared to attack a company 2 miles away, and others could be hit and destroyed in the process. The private sector must take its role more seriously and have the necessary resilience and contingency planning. About half of it does not.

I am the titular head of a number of private security organisations, although I have no financial interest whatsoever. I remember that, after 9/11, the private sector, which I had been challenging for a number of years on regulation, offered to provide the police with 2,000 personnel who would be available within four hours to assist them in responding to a direct and catastrophic attack. What has happened to that proposal? Nothing. The security industry could respond quicker than the Army or the Territorial Army, which may or may not be around when such an incident occurs. Even if they are around, they might not be able to muster very quickly.

There have been a lot of positive developments. The Civil Contingencies Committee and the civil contingencies secretariat have had an influx of very good people, and much has happened to show that we are capable of responding to an attack at a certain level. But the Government need to show great—I will not say greater—professionalism in dealing with these issues. The structures must be good not only on paper; we must be capable of deploying against a whole range of threats, be it terrorism or natural or other disasters. Such events have overtaken others and could overtake us.

I hope that the regional and local structures that the new legislation provides will enable a suitable response to such threats and that a debate such as this will help our parliamentary colleagues to take more of an interest in emergency planning. Perhaps the Joint Committee provides a model for the setting up of a new committee, but in saying that, I should point out that I am not offering my services in this regard, even though I am semi-unemployed. Why let the emergency planning process in British government get away with not being scrutinised seriously? If those concerned are smart enough, they will know that it would be to their advantage to have interested, qualified and knowledgeable Members of Parliament sitting on a cross-cutting committee. Such a committee could focus attention on this issue and put questions and elicit answers regularly, rather than sporadically.

One thing is certain: be it tomorrow, next week, next month or next year, an attack will take place somewhere in this country that will make July's events in London seem like a minor preparation. If I were in government, I would not like to be hauled in before the major commission of inquiry, which would inevitably take place following such an attack, and have to answer the question, "Well, Minister"—by then it might well be ex-Minister—"Where were you during this country's preparations for dealing with a catastrophic attack?". I suspect that most would be absolutely clean in this regard, but a nagging doubt might arise in the mind of any Minister or civil servant. They will ask themselves, "Have we done enough? Have we provided enough resources? Do we have resilience in government? Are we prepared not just for low-level attacks, but for the serious attack that no country can respond to absolutely effectively?".

This debate is about more than simply chickens. That said, I point out that I was in Romania three weeks ago and tucked in heartily to a range of birds and animals, so watch this space—or ostracise me in the canteen. More seriously, I hope that semi-permanent parliamentary scrutiny will enable better decision making and preparation, and enable us to give advice and to react to such events. There should be no party politics in this, just consideration of the health and welfare of our constituents and all the people of this country.

6.4 pm

Mr. Graham Stuart (Beverley and Holderness) (Con): The chief medical officer warned earlier this week that at least 50,000 people can be expected to die in this country if the flu virus mutates into one that can be transferred from human to human. We thus face two distinct threats: that of avian flu and that of a pandemic flu outbreak. The threat from a mutated avian flu is serious and material to all of us and our families. At least

[Mr. Graham Stuart]

57 people have died in the far east from direct contact with birds, but the 50,000 figure for this country could be a conservative estimate if a pandemic takes hold.

That is why it is so important that we and the wider British public are able to trust the authorities when they give guidance for public safety. Experts believe that the H5N1 strain could be as devastating as the strain of flu that went round the world after the first world war, killing literally millions. Yet when I talk to constituents, I find little trust in the Government or their spokespeople, however eminent. It seems that the culture of spin, misinformation, untruths and gibberish, by which we have been governed in the last eight years, has done more than undermine the reputation of this Parliament and a once proud political party opposite.

The fact that a Minister can mislead a Select Committee, but remain a welcome member of the new Labour project, undermines public trust. The fact that thousands of animals could be slaughtered and billions of pounds of public money spent on foot and mouth without a public inquiry undermines public trust. The fact that terrorist horror is seen as a good opportunity to bury bad news undermines public trust. The fact that intelligence reports prior to a war were doctored by a spin doctor undermines public trust. Those things have done more than bring shame on principled Labour Members and more than weaken our civil service's independence, for they undermine the whole relationship between the Government and the people.

I ask Ministers to pledge today to be open and honest about the avian flu risk and the Government's preparations to deal with it. I ask them to resist the desire to have eye-catching initiatives and to work in partnership across the House and with those outside it to minimise any potential public risk. Any hint of cover-up, any refusal to accept that mistakes may have been made, will increase the likelihood that vital advice will be ignored or distrusted. It would be a calamity if the words of the excellent chief medical officer were set aside because the public saw him in the same light as the Chancellor sees the Prime Minister—as in the phrase, "You can't believe a word he says".

More than 1,000 jobs have been created in and around my constituency of Beverley and Holderness by the push towards free-range egg production. There are also a number of non-free-range egg producers. The poultry industry is of great importance to my constituents, who have a number of questions that they would like the Government to answer.

First, my constituents want to know whether their jobs are safe and whether free range is a passing fad or has continued Government support. They want to know how long the Government believe free-range birds might need to be kept indoors when the avian flu virus reaches northern Europe. I believe that European rules say that free-range birds may be brought inside "temporarily" so that their free-range status and added value will not be affected, but what length of time does that allow? My constituency is on the east coast—on the front line of infection from migratory birds. Will birds in some areas be ordered to be kept inside before others? Is the east coast a priority area?

My constituents also want to know that all preventive measures have been taken—not just at home, but, as the hon. Member for Northavon (Steve Webb) mentioned earlier and perhaps more importantly, in currently affected countries. It would be a disaster if we allowed a pandemic to develop elsewhere, when it could have been stamped out at source. We would be fools if we stockpiled drugs here, when they were needed more urgently elsewhere to help reduce the risk of a pandemic reaching us at all.

So what steps are the Government taking to help affected countries prepare for and counter an epidemic threat? Let us hope that their actions are more concrete than 12 months of discussion about face masks. What offers have we made to the World Health Organisation to supply staff or other resources to help countries that lack epidemiological and laboratory capacity to respond to any emerging disease? Have we responded to WHO requests to establish local laboratory capacity in affected countries that lack such capacity? How have the British Government responded to a call by WHO for a meeting between the heads of state of industrialised countries and of risk-prone countries to reach agreement on the most desirable support?

Following the statement by the Secretary of State for Environment, Food and Rural Affairs earlier this week that imports of poultry are banned from all countries affected by the flu virus, can the Minister tell us which countries have recently been added to that list and when those orders became or will become effective? The last pandemic was in 1968. Since then, global movement of goods and people has grown exponentially. We cannot afford to build a bunker and hope that it protects us. At home, the Government must prepare and be open and transparent. We must also take a leading role in co-ordinating an international response and ensuring that poorer countries are helped, for reasons of both equity and, ultimately, efficacy on behalf of the British people.

6.11 pm

Barbara Keeley (Worsley) (Lab): Much has been written and said in the past week about pandemics and influenza, and some of the reporting has bordered on the alarmist. It is therefore appropriate that we should discuss the issues in a more measured way here—and, incidentally, without making cheap political points.

As the amendment states, our NHS organisations have well-established, comprehensive plans in place for dealing with pandemic influenza. The prime objectives in dealing with influenza pandemics are to save lives; to reduce the health impact of the pandemic; and to minimise the disruption to health and other services, while maintaining business continuity. Given that the vaccine may not be available to all in the first wave of the pandemic, clear and transparent policies are needed for prioritising vaccine use, as and when it becomes available. I wish to refer to one aspect of that prioritisation, in terms of building on the principles established for dealing with seasonal flu.

The overall uptake of vaccination against seasonal flu has improved, and in recent years more than 70 per cent. of those aged 65 or over have been vaccinated. Variations occur by area, but the two primary care trusts serving my constituency achieved a 70 per cent.

and a 72 per cent. uptake, so we are on target. This year, the influenza immunisation programme has been extended to include two further groups: people with chronic liver disease and the main carers of elderly or disabled persons, whose welfare may be at risk if their carer falls ill.

I congratulate the Government on recognising the need to include carers. For some years now, carers' organisations have campaigned for health measures such as free flu jabs to be targeted at carers. Many organisations have also employed primary care workers to work with GPs and primary health care teams to identify and support carers in their practice populations. Many of those primary care projects have been in existence for years and have had successful programmes prioritising flu jabs for carers. In places such as Leeds, Milton Keynes, Bristol and Salford, the primary care trust carers projects have ensured that all carers can be offered free flu vaccination by their GPs. The benefit of such work is that it not only protects the carer from flu, but supports their caring role by helping them to safeguard their health.

Although there are 5.2 million carers, only some 20 per cent. care at the heavier end of commitment of more than 50 hours a week. In a GP practice population of 2,000, there are likely to be 200 carers, only 40 of whom will be caring at the heavier end. Put that way, the numbers of additional flu vaccinations look manageable for GPs and their staff. I therefore hope that the Government will consider the idea of extending flu vaccination not only to those who care for an elderly or disabled person, but to all heavily committed carers.

It is increasingly understood that caring has an impact on the carer's own health, so it is right to treat carers as a vulnerable and at-risk group. Increasingly, too, carers at the heavier end of commitment are seen as partners in providing health care. NHS employers are directed to offer influenza immunisation to employees directly involved in patient care, and that practice extends to staff in nursing and care homes. In cities such as Leeds, Milton Keynes, Bristol and Salford, primary care trusts have offered vaccination to all carers, so I hope that my hon. Friend the Minister of State, Department of Health, can look into extending influenza immunisation to all groups of carers in subsequent winter seasons.

The principle implemented this year, of recognising carers as partners in health care who need to be protected by vaccination, is important. I hope that it will continue and be extended to all carers in future years, as well as providing a basis for their inclusion in the priorities for vaccination in the unlikely event of an influenza pandemic.

6.16 pm

Michael Gove (Surrey Heath) (Con): Emergency preparedness is a central test of the effectiveness of Government. Just as we judge a hospital not only on how well it deals with chronic conditions but on how its accident and emergency facilities perform, so when assessing the performance of a Government it is not the standard, day by day, week by week administration, but how they rise to the great challenges that they face that enables us to judge how capable Ministers are.

Unfortunately, as the right hon. Member for Walsall, South (Mr. George), who is no longer in the Chamber, hinted, the Government have not always risen as effectively to the challenges as they might have done. I was grateful to the right hon. Gentleman for pointing out that there is a strong case, which has been put by our Front-Bench team, for the appointment of a central co-ordinating figure to provide leadership and administrative grip at moments of crisis. That was the recommendation of the Select Committee that the right hon. Gentleman chaired and a position that my party has championed. I hope that there can still be an opportunity for a rethink when the Minister for Policing, Security and Community Safety sums up the debate.

When we consider the crises that the Government have faced, inevitably, like the curate presented with the egg, we have to say that they have been good in parts. Let us consider the fuel protest. By the Government's admission, we were only hours away from anarchy. As the hon. Member for Northavon (Steve Webb) pointed out earlier, imagine what would happen if they had that level of administrative grip in the face of a pandemic that could affect 14 million people.

We should also remember the foot and mouth disaster, to which my hon. Friend the Member for Beverley and Holderness (Mr. Stuart) referred. Not only was the general election delayed, but panic gripped parts of the country. Parts of our nation had to be closed down. The Army had to be brought in, and there was friction between the civil and military powers about how to deal with the crisis. Those were test cases of emergencies where the Government failed to provide the administrative grip that a Minister for homeland security could supply.

One of the features that characterised the Government's response to both crises was recognition that the public required reassurance. Unfortunately, the reassurance the Government tried to provide was through communication rather than action. As my hon. Friend said, on both occasions the Government tried to spin their way out of trouble by reassuring people that things would be all right; they were telling, not showing. The only effective reassurance at times of crisis is tough action to resolve the problems, not a Minister appearing on television attempting to calm us down when the evidence on the streets is of a crisis spiralling out of control.

Emergency preparedness in the context of our debate covers the risk of both a flu pandemic and a terrorist attack. My colleagues put a number of pertinent questions about a flu pandemic that have not yet been satisfactorily answered. We have no real idea whether we have the extra bed capacity to deal with the scale of pandemic envisaged by the chief medical officer. We have no real explanation of the Government's delay in stockpiling vaccine. We have been told that they are waiting for best evidence, but who is to say that medical evidence will not change in the future, just as the virus itself might mutate.

It seems as though what we have heard is an excuse for procrastination, rather than a justification for wise administrative action. As my hon. Friend the Member for Monmouth (David T.C. Davies) pointed out, the same applies with the provision of simple matériel, such as face masks and gloves. Other countries, such as Australia, have had the opportunity to acquire such matériel, as he said. We were producing it on our own

[Michael Gove]

doorstep, and we failed. Those are all pertinent questions that have not been effectively addressed by the Minister or her colleagues.

Let me deal briefly with terrorism. In the motion, we congratulate the emergency services on their superb work on 7 July. We would all say that those who worked in the fire service, the ambulance corps and the police did a brilliant job in cleaning up after what was a tremendously horrifying day for many of us, but one of the things that we need to bear in mind is that my right hon. and learned Friend the Leader of the Opposition asked in moderate and reasoned terms for a look to be taken into the circumstances surrounding the events of that day. He stated that the finger of blame should be pointed only at one group of people—the terrorists responsible—but he also asked whether we could have a proper commission of inquiry into the events of that day. When the Minister for Policing, Security and Community Safety comes to the Dispatch Box, I should be very interested if she would tell us what lessons have been learned, what systems have been put in place to enable those lessons to be made public, what inquiries have gone on, what we can know about the events of 7/7 and what the Government are doing.

The Government are very keen to trumpet the legislative changes that they wish to make to deal with the terrorist threat, but we also know that operational behaviour counts, and that is the Government's Achilles heel. Consider the scenes at Heathrow, when we knew that there was a real threat—I do not doubt for a moment that there was one—and tanks and other armoured vehicles were mobilised. What signal did that send? The Secretary of State for Work and Pensions, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), acknowledges that that was a mistake. Why was that mistake allowed to happen on his watch? What lessons will the right hon. Lady tell us have been learned from that episode?

Another area where profound operational questions have been asked is in the shooting of Mr. Jean Charles de Menezes. I know that that case is being reviewed and that it has been hijacked by extremist elements on the left who wish to undermine—

Mr. Deputy Speaker: Order. That case is sub judice. It should not be discussed in the House.

Michael Gove: I appreciate your point, Mr. Deputy Speaker.

I have in mind the broader question of when lethal force should be used by agents of the state. I am no lily-livered liberal on this matter—I recognise that lethal force was used to great effect in Northern Ireland, not least in Loughgall—but we need sophisticated rules and good intelligence when it comes to the use of lethal force. Rules of engagement need to be debated in public. We had clear rules of engagement—a red card and a yellow card system operated in Northern Ireland—and when we were operating in very difficult conditions in Bosnia, we also had clearly laid-out rules of engagement that were influenced by moral and operational factors. We need to have that debate in public; we do not want such decisions to be left either to the Metropolitan police or to Ministers alone.

Mark Pritchard (The Wrekin) (Con): Does my hon. Friend agree that it is absolutely astonishing that such a fundamental shift in Metropolitan police policy—a lethal policy—was not agreed by the Prime Minister but was left to the Metropolitan Police Commissioner himself?

Michael Gove: My hon. Friend makes an excellent point. We naturally recognise that the Metropolitan Police Commissioner has heavy responsibilities on his shoulders, but we need to recognise that lethal force may well be used in dealing with the terrorist threat and that its use must be subject to open debate in the House. The taking of life, even in the defence of innocents, is a momentous task to devolve on to any public servant, and we must ensure that we have proper debate about how such force is used.

We need not only proper debate about the rules of engagement, but a proper recognition of the role that intelligence can play. It would be otiose for me to mention some of the issues on which intelligence services and their decisions have been questioned in the House over the past few years. Suffice it for me to say that both MI5 and MI6—the intelligence and counter-intelligence services—are underfunded by the Government. Ever since the 1990s, not only has counter-subversion activity been wound down, but the co-ordination of the work of MI5 and MI6 has been less than effectively prosecuted.

We need to ensure not only that there is proper funding and staffing for counter-subversion, but that MI5 and MI6 talk to each other effectively. We must recognise that many subversive elements in this country will have received training and funding from abroad, often from regimes that the Government have unfortunately coddled or been insufficiently robust towards. We must be aware of those links when we debate not only funding, but the operational guidance that we give to our intelligence and security services.

Ultimately, the best preparation for any emergency is action to avert it from taking place. The most effective action that we can take is to assure those who act in our name that they have the resources that they need, clear rules by which they operate and a guarantee that when their actions are scrutinised in the House and elsewhere, there will be no shuffling off of responsibility and no spin, but honesty, authority and grip.

6.25 pm

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): I congratulate the Minister of State, Department of Health, my hon. Friend the Member for Doncaster, Central (Ms Winterton), on her clear exposition of the issues surrounding the avian flu pandemic that faces us. However, it is peculiar that although the debate is entitled "Emergency Preparedness", the Opposition have focused almost exclusively on health matters. It was quite heartening to hear the hon. Member for Surrey Heath (Michael Gove) at least touch on other matters. It was a peculiar choice of title for the debate given that the Opposition really wanted to discuss health.

The hon. Member for Northavon (Steve Webb) made an interesting speech and his academic thoughtfulness was welcome. I only wish that he would listen to his own arguments, vote with the Government and have the courage of his convictions to persuade his colleagues to follow suit.

I examined London's emergency preparedness when I was a member of another place—the London assembly. The assembly conducted full scrutiny of the various organisations involved in dealing with London's security. I assure my right hon. Friend the Member for Walsall, South (Mr. George) that the 25 elected members of the assembly had robust discussions about the matter, albeit inevitably in private, and that all the recommendations that we made were taken on board and came into full effect on 7 July.

Among the recommendations was the suggestion that the London Mayor should have a clear role in communicating with Londoners. He was heavily involved in the discussions and emergency preparedness for London. We recommended that communication with Londoners should be better—several hon. Members have mentioned that point—and that links with local government should be made clearer. We suggested that the gold command should include someone from local government because we realised that many needs in any emergency would be provided for by London's local government.

I hope that I can be forgiven for talking about my constituency for a moment. The Mayor recently launched the "Spirit of London" bus. It is a special bus in Hackney because it is usually used on the No. 30 bus route. Of course many of us remember that it was the No. 30 bus that was blown up on 7 July. The No. 30 bus goes to Hackney Wick. Two weeks later, the No. 26 bus, which was on its way to Hackney Wick, had a bomb on it, too. One of the dead on the day was a student at Hackney community college, so Hackney sorely appreciates the importance of emergency preparedness in London. We all recognise that the emergency services did an excellent job that day and should be congratulated by us all. I am pleased that hon. Members have said that today, as do the motion and the amendment.

I put on record my personal congratulations to the local borough police command in Hackney and especially the borough commander, Simon Pountain. He and his team have done an excellent job developing community relations in Hackney and have been praised by the excellent inter-faith forum in Hackney. The forum brings together rabbis, imams and priests to work together on community relations and they universally respect Simon Pountain. His officers were busy building community relations after the bombs of 7 July. They conducted bus searches on that day and have since been engaged continually in a highly visible policing strategy to reassure the citizens of Hackney, South and Shoreditch. I commend Hackney as a model for such work on community relations to my hon. Friend the Minister of State and my right hon. Friend the Minister for Policing, Security and Community Safety.

Despite today's erudite debate, I am not exactly sure how a homeland security Minister would have helped Hackney or London on 7 July. The hon. Member for Northavon mentioned an article in one of today's papers that cited an expert who talked about how we deal with the weak, not the strong. I will not go into it, because time is short, but I think that how we deal with the elderly and with vulnerable disabled people is a clear issue in relation to a flu pandemic. The comments of my hon. Friend the Minister of State about a combination of the two viruses show how critical it is that flu jabs take place. As a former carer, I am aware of many of the issues that prevent older people from accessing flu jabs—my hon. Friend the Member for Worsley (Barbara Keeley) went into the details, so I do not need to do so. Again, however, I do not understand how a homeland security Minister would tackle such issues.

Mr. Tobias Ellwood (Bournemouth, East) (Con): The hon. Lady should compare how the London Mayor dealt with the events of 7 July with what might happen if an event occurred that affected Britain as a whole. There is a direct comparison between what happened on 9/11, when one mayor took ownership of co-ordination, and the events after hurricane Katrina struck, when there was complete confusion because there was no focus for activities—*[Interruption.]* There was a breakdown in communication, which would not happen on such a scale in the United Kingdom. I agree that America has a different system for emergencies, but does the hon. Lady agree that a homeland security Minister here could avoid such problems because our nation is far smaller?

Meg Hillier: No, I do not agree—in fact, the hon. Gentleman has caught himself out. We have an excellent Labour Mayor of London and an excellent Labour Prime Minister, and the latter would be the person responsible for taking a lead in any national event, as he did on 7 July, together with other Ministers. The model that we have recently seen in action in America is not one that we should emulate.

I have no particular local perspective on avian flu. Not many people keep chickens in Hackney, South and Shoreditch—although I recommend to the House Hoxton Manor honey, which is delicious and is made by bees who live in Hoxton—but the debate has encouraged me to visit the local city farm.

To end on a serious note, we should not be making party political jibes about emergency preparedness, which is a serious issue facing the country. I am heartened to know that the work of Ministers is thorough and good. We cannot say that a single overarching Minister—certainly not one junior to the Cabinet—would be the right person to co-ordinate the response to a range of events. We have the Secretary of State for Health taking the lead on avian flu, and the Home Secretary and the Prime Minister took the lead on 7 July. We have horses for courses, and Labour has some excellent horses on those courses.

6.32 pm

David T.C. Davies (Monmouth) (Con): I am delighted to begin by echoing the praise of our emergency services and of the many unsung heroes—the people who continue to go to work in the face of disasters, natural and otherwise. Like the hon. Member for Hackney, South and Shoreditch (Meg Hillier), I have first-hand experience of natural disasters in my capacity as a Member of the Welsh Assembly. In my experience, the devolved bodies did not make such a good job of responding as she implied the Greater London assembly did. In the past few years, we in Wales have faced two major problems: foot and mouth and severe localised flooding in the town of Monmouth.

Meg Hillier: Although I am no longer a Member of the Greater London assembly, I am sure that the Mayor of London and the 25 assembly members would welcome a visit by the hon. Gentleman to see how they did such a good job.

David T.C. Davies: If we have a Minister for homeland security, I am sure that he will go to see what the GLA is doing. I would like to show him what the Welsh Assembly managed to do.

The response to foot and mouth was an absolute disaster—that is the nicest thing that I could say about it. I saw at first hand the problems we had getting people in to deal with culling. In some areas, carcases piled up. There appeared to be no clear lines of accountability—no one seemed to know who was in charge, even the people who were supposedly running the show. Monmouthshire is on the Welsh side of the border with England, so technically the Welsh Assembly was in overall charge, but an office of the Ministry of Agriculture, Fisheries and Food in Worcester was running things; yet on one occasion when we rang the Worcester office to talk to the people who were dealing with the problems, they did not seem to know what the Welsh Assembly was. That was totally unacceptable.

In the case of the flooding, nothing could have been done to prevent it, but every effort was made to alleviate the problems that people experienced. I give particular credit to the meals on wheels service operated by Monmouthshire county council, which risked life and limb to ensure that hot meals and drinks were delivered to people. We have no complaint about the way in which the situation was dealt with, but in the years since people have continued to face the problem of flooding because no one can cut through the thicket of bureaucratic regulations that have to be overcome to put in place a decent flood defence scheme. It is therefore important to make the case for a Minister for homeland security who can take overall charge of dealing with those problems.

We now face threats more serious than flooding or foot and mouth in the form of terrorism and avian flu. No one could say that the Government have failed to be proactive in talking about terrorism, but sometimes they have talked it up to try to gain more draconian powers for themselves. I draw Members' attention to a headline a few years ago that appeared in the *Daily Mail*. [HON. MEMBERS: "It must be true".] I rather think that it was not. On 23 November, a report headed "Target Canary Wharf" said that a group of al-Qaeda terrorists was apparently planning to hijack planes and fly them straight into Canary wharf. The story came from intelligence sources, which had taken it upon themselves to talk to the *Daily Mail* just two days before the Queen's Speech, in which the Government were seeking extra powers for themselves, purportedly to combat terrorism. If there was any truth in that story why on earth were arrests not made and why did we never hear anything more about it? Why did the Government allow security sources to talk to the *Daily Mail* and if they did not give such authorisation, why did they not hunt them down in the same way that they hunted down David Kelly?

In the minds of many, the story is an utter fabrication given to a right-wing tabloid just hours before the Queen's Speech announced all sorts of controversial powers for the Government. That is why people do not have any confidence or trust in them when they talk about terrorism. They have told us what they are going to do about avian flu, yet we are well behind other countries. The Government say that they are going to reach their targets, but the target for vaccination courses in the United Kingdom is about 25 per cent. as opposed to 30 per cent. in France and the Netherlands and 50 per cent. in Italy. The Minister could not answer my question about masks and gloves. The Australians have purchased those items from the UK so we can no longer purchase them ourselves. She said that the Government had to talk to the health and safety people. Presumably, the Australians, who belong to a health and safety-conscious nation, did so several months before the British could.

What we are asking for is not in the least unreasonable. We are faced with a Government who have given us quangos, taskforces and bureaucrats galore. We have an army of clipboard-wielding busybodies up and down the country setting rules for everything. All that we are asking for is one extra Minister and a skeleton staff to be taken from other Departments to try to avert a disaster. I urge Government Members to put their constituents first, think again and support our motion.

6.38 pm

Patrick Mercer (Newark) (Con): It is a pleasure to follow my hon. Friend the Member for Monmouth (David T.C. Davies). Many of the points that he made arose in other Members' speeches, and I shall deal with them in my summary.

I can reassure the hon. Member for Hackney, South and Shoreditch (Meg Hillier) that I will address issues specific to London. She may not like what she hears, but I hope that I am proved wrong. A number of hon. Members expressed shared concerns in our excellent debate which, I hope, will expose various things that the Government should do and which, with due humility, I trust the Opposition can help them to achieve. Emergency preparedness is not a party political subject. It should stand well above party politics. If there is anything that I can do in my shadow capacity, I would be extremely happy to help Ministers achieve safety for our citizens.

We heard an excellent speech from my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), who not only pointed out the terrorist aspects, but dwelt particularly on the serious problems posed by avian flu. I do not intend to go into that in any more detail, as quite enough has been said about it already.

The hon. Member for Northavon (Steve Webb) and the right hon. Member for Walsall, South (Mr. George), as well as the hon. Member for Hackney, South and Shoreditch and my hon. Friend the Member for Monmouth, all spoke about the need for a single Minister. Well, if there is a human embodiment of that creature, I am he. I probably have the right hon. Member for Walsall, South to thank for creating the impetus behind that appointment. The suggestion that the post should be created came from a Committee on which I was privileged to sit at the time. It came from a Chairman who belongs to the Labour party and has profound socialist views, a man for whom I have profound respect. We ignore at our peril his views and those of several Committees.

The job of such a Minister, as and when he or she is created, is not to deal with events such as those at Boscastle or just with events such as those that took place in July, but to deal with events that encompass a much broader spectrum than anything we have seen. It is instructive that the Department for Homeland Security got it so badly wrong during hurricane Katrina. I have no doubt that that Department has many lessons to learn, and I hope that we can learn from it.

In addition, I hope we pick up the fact that, as my hon. Friend the Member for Surrey Heath (Michael Gove) said, our reaction to terrorism and to other huge disasters that we are likely to face must not just be legislation. It is not words but deeds that count. Everything that we heard tonight was about meetings, committees, consultation and plans. What have we heard about exercises, putting those plans into practice, and delivery? We as politicians, and especially my colleagues who come from legal backgrounds, are extremely keen to stay within our comfort zones and talk about talking—nothing more and nothing less. I ask the Minister to consider the delivery of the plans, not just the theory.

Ms Dari Taylor (Stockton, South) (Lab) *rose—*

Patrick Mercer: Forgive me; I do not have time to give way. Perhaps in a moment.

At least we have a contingency plan for a flu pandemic. At least in Tuxford in my constituency, there has been an exercise of a sort to deal with a flu pandemic, but I am not sure that CONTEST, the strategy for counter-terrorism, is anything like as well prepared as the contingency plans for the flu pandemic. I am sure that, as my hon. Friend the Member for South Cambridgeshire said, there is plenty wrong with that, but not as wrong as the woeful lack of preparation for terrorist attacks in this country.

We have seen that a flu pandemic is probable. We have seen that there are planning assumptions of 50,000 dead. What we know about terrorism is that it is not probable—it is definite. It is unlikely to kill thousands. It is more likely to kill tens, but the insidious drip of calculated evil has an effect far beyond the vagaries of nature. Look, for instance, at how Islamist fundamentalists exploited the decades of fear that ETA had created in Spain. The appalling but bloodily modest 192 fatalities brought down a Government and fractured a coalition.

What have we done to prepare ourselves for such eventualities? The right hon. Member for Walsall, South talked about the use of the private sector. The London chamber of commerce—I am sure that the hon. Member for Hackney, South and Shoreditch will be interested to hear this—has carried out a review of terrorist attacks on businesses and come up with some interesting proposals. In reply to the question whether it was thought that another terrorist attack on London was inevitable, 83.8 per cent. said yes. When asked whether a business contingency plan had been adopted or existing plans updated in the light of the recent bombings, 25 per cent. said yes, 74 per cent. said no.

What more can we do? Let us please ensure that business is motivated. Let us use the private sector, but the private sector cannot be allowed to establish

"a reward scheme designed to encourage information to be volunteered on a confidential basis which leads to the foiling or solving of a terrorist attack.",

as advocated by the London chamber of commerce. That is not a responsibility for the private sector. That needs to be led and directed by Government, and I suggest by a single Minister for homeland security.

The whole business of terrorist preparation is clearly much bigger than the example that I am about to consider. Does the hon. Member for Stockton, South (Ms Taylor) still wish to intervene?

Ms Taylor: I am absolutely shocked at all that the hon. Gentleman is saying today. It is clear that he neither knows nor has he made himself aware of all the work that is being done by the intelligence agencies. The hon. Gentleman is perpetrating an outrageous piece of information from the Opposition Benches and I hope that he is prepared to withdraw all that he is saying.

Patrick Mercer: No, certainly not. I am talking about emergency preparedness. Let us be quite clear about the fact that it was the intelligence agencies that reduced the level of warning days before the attacks on 7 July. There is much to be learnt and much to be done. We cannot allow matters to continue as they are at the moment.

Let me drill down and consider a specific detail of our preparedness. Will the Minister say—I know that she will not answer these questions because she never does—exactly what has been done to make the tube safer to travel on today than it was on 7 July? The dogs and the armed police patrols have fallen off badly. If there is a lack of manpower, why has not the civil contingencies reaction force been called up? That was the only concrete suggestion that the Ministry of Defence came up with after 2001. It has not been called out; it has not been deployed. Why are there no instructions in carriages about what to do in the event of a disaster. I asked the Minister that two and a half years ago. If my train gets stuck in a tunnel, I still do not know what to do. Is the rail live? Is it safe to get out? I have no idea. It is the only form of transport that I have come across where there are no safety instructions inside the carriages. Why are there no bandages and emergency water in every carriage? Why are there not lights in the tunnels showing us in which direction to travel? Why are there no signs of the high-tech searching techniques that Israel has pioneered?

I have no doubt that the Minister will refer to OSIRIS II, the only exercise that has been conducted to make our tube any safer than it is at the moment. I also have no doubt that the group that intended to attack this country two weeks ago was Ansar al-Islam, and that it intended to attack the tube again. As an example of the paucity of planning across the country, our tube is no safer to travel on today than it was on 7 July. I challenge the Minister to show me that I am wrong.

As I have said, the Minister of State, Department of Health, the hon. Member for Doncaster, Central (Ms Winterton), has been horribly complacent and self-congratulatory about the methods and measures

[Patrick Mercer]

that have been implemented. I ask her to reflect on why the Secretary of State for Health referred that particular problem to the Department for Environment, Food and Rural Affairs.

We had our wake-up call in September 2001, so I was shocked by how shocked Ministers were in July this year. I ask the Ministers to ensure that we are much better prepared and much more resilient next time.

6.50 pm

The Minister for Policing, Security and Community Safety (Hazel Blears): The single point on which I agree with the hon. Member for Newark (Patrick Mercer) is that we have had an excellent debate, although it has been a little bit awkward because we have tried to bring together two distinct issues. In my winding-up speech, I will endeavour to deal with some of the points concerning health, as well as some issues surrounding homeland security and terrorism.

The hon. Member for South Cambridgeshire (Mr. Lansley) raised a range of issues, which the Minister dealt with in her measured and specific response. He asked whether we have learned lessons from our experience in Northern Ireland. We have learned lessons, but I am sure that he accepts that the nature of today's terrorist threat is significantly different from the terrorist threat in Northern Ireland, given that today's terrorists are prepared to use suicide bombers and are unconcerned by the number of casualties that they inflict. Although we can learn lessons, we face a different terrorist threat today.

The hon. Member for Northavon (Steve Webb) discussed Tamiflu and asked whether we consider it effective. We have been careful about the claims that we have made for antivirals: Tamiflu will reduce the length and severity of illness and reduce complications, and we currently have no reason to believe that it would not be effective.

The hon. Gentleman raised the important issues of capacity and supply. We are already holding discussions with the manufacturer, Roche, and we have secured an agreement to use another factory.

The hon. Gentleman also raised the issue of sub-licensing. Again, we are continuing active consideration and discussion with the company to make sure that we can expand capacity.

The hon. Gentleman asked whether the primary care trusts and strategic health authorities have implemented plans around the pandemic. The PCTs and SHAs have implemented such plans, and an ongoing checking process is making sure that the plans, which will be audited, are effective.

Several hon. Members asked whether we can help to contain any outbreak—the hon. Member for Northavon said that we will be judged by not only the strong, but the weak. We have contributed £600,000 to support World Health Organisation surveillance in south-east Asia, and we have also contributed to the WHO stockpile. Furthermore, Roche has said that it will donate 3 million doses of antivirals to the WHO, and we are ready to help internationally wherever we can.

The hon. Member for Beverley and Holderness (Mr. Stuart) raised several issues concerning poultry—I confess to not being a poultry expert. Apparently, DEFRA runs not only its website, but an excellent helpline that provides advice for large-scale poultry farmers and people who keep a small number of chickens. If free range chickens must be taken indoors, a committee—I think that it is in Brussels—will consider maintaining their free range status in those circumstances, although we are not there yet.

On homeland security, I join all hon. Members in congratulating our emergency services on their magnificent response in the wake of 7 July, and I know that many countries from across the world were equally impressed. The attack took place when the G8 was meeting, and all the delegates at the G8 meeting were hugely impressed by the response from all our emergency services—the police, the health service, the fire service and local government. However, that was no accident—it was the result of good planning, extensive exercise programmes, and people who knew what their role and responsibilities would be. The fact that they had trained together as agencies was key to the fact that it all worked on that day and worked again a couple of weeks later when we had the attempted bombings. It was an exemplary response. I am not at all complacent. There are still many lessons that we can learn from the incidents that happened not only in this country but right across the world, and we have excellent international relationships to ensure that that happens.

The hon. Member for Newark asked what kinds of exercises we do. I genuinely accept that he wants to make a contribution in this subject, but he really ought to know that exercises take place on a weekly basis. We do tabletop exercises and command post exercises, we have three live counter-terrorist exercises every year on a national scale, and local authorities continually exercise at a very local level. We recently had live exercises involving hijacked aircraft, a terrorist occupation of off-shore oil wells and ships, and the threatened release of chemical and biological agents and improvised nuclear devices. If those are not high-level, complex planning exercises, I do not know what are. The exercise that happened at Bank in September 2003 involved scenarios very similar to those that we encountered on 7 July, and the practised ability to get people out of the tube probably saved more lives than were unfortunately lost during the incident.

Several Members proposed the idea of having a Minister for homeland security. I welcome the Liberal Democrats' view that that is a confused policy, because that is exactly what it is. We have a Minister responsible for co-ordinating this action across Government—he is the Home Secretary, who chairs a committee of Ministers right across Government who take the lead in their Departments. I would say this to the hon. Member for Newark: really think carefully about this. Is there any benefit in stripping out of Departments the expertise that resides there to bring it together in one area? It would simply mean that those Departments no longer had ownership of the issues involved in emergency planning, resilience, counter-terrorism and all the work that we need to do. We have found that having that expertise embedded in Departments, with a proper co-ordinating machinery through the cross-Government committee co-ordinated by the Home

Secretary, works extremely well. I do not feel that a Minister for homeland security, whether at Minister of State or Cabinet level, is going to work. The hon. Member for Newark said, "I am he"; well, I am afraid that I am not she. There is no vacancy. Although I know that he is looking for work, I am afraid that I will not be able to offer him any help on those terms.

Members asked about public information. That is important. We published a booklet on preparing for emergencies that went out to every household. It had very good reach across the community, and our research shows that the public welcomed the practical, down-to-earth advice that it gave them—not only about terrorism, but about a whole range of emergencies from floods and fires to the things that we have discussed today. We also have the anti-terrorist hotline.

I can tell the hon. Member for Newark that a huge amount is going on in relation to safety on the tube in terms of mandatory searches, CCTV and trying to make sure that we are as safe as we can possibly be.

My right hon. Friend the Member for Walsall, South (Mr. George) made some important points, especially about our parliamentary scrutiny processes, and ascertaining whether we can find a better cross-cutting method of scrutinising some important issues. We should consider that. However, my experience shows that business is increasingly taking those matters very seriously. I have attended several events with business, for example, to discuss continuity plans. The London Resilience Forum has an excellent record on business continuity. There are also some good initiatives to involve the private security industry—in which my right hon. Friend has an interest—especially in working with the Metropolitan police.

Hon. Members also mentioned resources. The resources for the police and the Security Service have increased enormously to give us capability and resilience. The Security Service will grow from approximately 1,800 employees to 3,000. Spending on police services has doubled. I am not complacent, but I believe that we have one of the best systems for emergency preparedness.

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 242, Noes 316.

Division No. 63] **[6.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew

Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wetherson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Michael Fabricant and Mr. Peter Atkinson

NOES

Abbott, Ms Diane
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connerty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Mrs. Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caerphilly
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael (Worcester)
Foster, Michael Jabez (Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Herron, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacNeil, Mr. Angus
Macraggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McGinnis, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick

Plaskitt, Mr. James	Stoate, Dr. Howard
Pope, Mr. Greg	Strang, rh Dr. Gavin
Pound, Stephen	Stringer, Graham
Prentice, Bridget	Stuart, Ms Gisela
Prentice, Mr. Gordon	Sutcliffe, Mr. Gary
Prescott, rh Mr. John	Temi, Mark
Price, Adam	Taylor, Ms Dari
Primarolo, rh Dawn	Taylor, David
Prosser, Gwyn	Taylor, Dr. Richard
Purchase, Mr. Ken	Thomas, Mr. Gareth
Rammell, Bill	Thornberry, Emily
Raynsford, rh Mr. Nick	Tipping, Paddy
Reed, Mr. Andy	Todd, Mr. Mark
Reed, Mr. Jamie	Touhig, Mr. Don
Reid, rh John	Trickett, Jon
Riordan, Mrs. Linda	Truswell, Mr. Paul
Robertson, Angus	Turner, Dr. Desmond
Robinson, Mr. Geoffrey	Turner, Mr. Neil
Rooney, Mr. Terry	Twigg, Derek
Roy, Mr. Frank	Usher, Kitty
Ruane, Chris	Vaz, Keith
Ruddock, Joan	Vis, Dr. Rudi
Russell, Christine	Walley, Joan
Ryan, Joan	Waltho, Lynda
Salmond, Mr. Alex	Ward, Claire
Salter, Martin	Wareing, Mr. Robert N.
Sarwar, Mr. Mohammad	Watson, Mr. Tom
Sedbeck, Alison	Watts, Mr. Dave
Shaw, Jonathan	Weir, Mr. Mike
Sheerman, Mr. Barry	Whitehead, Dr. Alan
Sheridan, Jim	Wicks, Malcolm
Short, rh Clare	Williams, rh Mr. Alan
Simon, Mr. Siôn	Williams, Mrs. Betty
Simpson, Alan	Williams, Hywel
Skinner, Mr. Dennis	Winnick, Mr. David
Slaughter, Mr. Andrew	Winterton, Ms Rosie
Smith, rh Mr. Andrew	Wishart, Pete
Smith, Ms Angela C. *(Sheffield, Hillsborough)*	Wood, Mike
	Woolas, Mr. Phil
Smith, Geraldine	Wright, Mr. Anthony
Smith, rh Jacqui	Wright, David
Smith, John	Wright, Mr. Iain
Snelgrove, Anne	Wright, Dr. Tony
Soulsby, Sir Peter	Wyatt, Derek
Southworth, Helen	
Spellar, rh Mr. John	**Tellers for the Noes:**
Starkey, Dr. Phyllis	**Mr. Ian Cawsey and**
Stewart, Ian	**Mr. Parmjit Dhanda**

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House pays grateful tribute to the excellent work of the emergency services, of Transport for London and of all involved in responding to the terrorist outrages of 7th July and 21st July; congratulates the Government on its comprehensive approach to preparedness for emergencies; notes the effectiveness of current Departmental responsibilities for emergency preparedness; further congratulates the Government on the steps taken to enhance communication with the public in respect of major threats; notes that supplies of vaccines, antibiotics, antidotes and specialist equipment are strategically placed around the UK for rapid deployment in the event of a mass casualty incident, and that spending on the stockpile to date exceeds £120 million; further notes that NHS organisations have well-established, comprehensive plans in place for dealing with pandemic influenza, and that the Government's updated pandemic flu contingency plan is being published today; welcomes the fact that the Government is stockpiling key drugs and equipment, and will have enough antiviral drugs to treat 25 per cent. of the population by September 2006; and recognises that good communication with the public and with health professionals is crucial before and during a pandemic and therefore congratulates the Government on making accurate and up to date information widely available to doctors and the public through various agencies.

PETITIONS

Council Tax (Portsmouth)

7.17 pm

Mr. Mike Hancock (Portsmouth, South) (LD): I have great pleasure in presenting a petition on behalf of Mrs. Pauline Gulley of 108 Brompton road, Southsea, and thousands of other constituents of mine in Portsmouth, South and in the greater Portsmouth area. The petition of the IsItFair council tax campaign

Declares that the year-on-year, above-inflation increases in council tax are causing hardship to many and take no account of the ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

In the city of Portsmouth, the position is made worse by the Government's actions. They have literally stolen millions from the city to redistribute elsewhere. That has cost the average council taxpayer an increase of some £64 over five years.

The petitioners therefore request that the House of Commons vote to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

To lie upon the Table.

Mixed Sex Wards (Marlow)

7.19 pm

Mr. Paul Goodman (Wycombe) (Con): I wish to present a petition on behalf of some 50 of my constituents, which reads as follows.

To the House of Commons.

The Petition of Marlow Evening Townswomen's Guild,

Declares that despite numerous promises throughout the last decade, hospital patients are still being treated in mixed sex wards and bays.

The Petitioners therefore request that the House of Commons urge the Government to take immediate action to remedy this situation.

And the Petitioners remain, etc.

To lie upon the Table.

Kuzvidza Family

7.19 pm

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): The petition of residents of Barnsley and others declares:

That Ms Kuzvidza and her three children—Makanaka, aged eight, Mac, aged 13, and Lucy, aged 22—left Zimbabwe and have been living in England for five years, and in Hoyland, Barnsley, for the past year. Ms Kuzvidza is a member of the Zimbabwean opposition movement, the Movement for Democratic Change. Her house in Zimbabwe has been seized by President Mugabe's ZANU-PF forces.

[Mr. Michael Clapham]

The Petitioners further declare that Ms Kuzvidza is frightened of what would happen to her and her children if she returns to Zimbabwe under President Mugabe, and that the British Home Office is threatening to deport Ms Kuzvidza and her family.

The Petitioners therefore request that the House of Commons urge the Home Office not to deport Ms Kuzvidza and her family, and thereby ensure the safety of a family who have settled and been made welcome in their local community, and whose children have made many friends in their local school.

The Petitioners remain, etc.

To lie upon the Table.

Child Support Agency

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

7.21 pm

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I am most grateful for the opportunity to raise the case of my constituent, Mrs. Summerbell. Both she and her son have been failed badly by the Child Support Agency, and I hope that the Minister will be able to put that right in his response tonight.

Mrs. Summerbell's child will be 10 years old in November, and in her file, which I have in my office, there is evidence that the same three steps have been repeated over and over again. Sadly, I hold in my hand a letter sent to me earlier this year that contains the immortal phrase,

"To be honest I had come to my wit's end".

I am sure that that sentiment is echoed by many people when dealing with the CSA.

The pattern is as follows. Mrs. Summerbell collects evidence about her former partner's means and presents it to the CSA. The CSA tries, and fails, to collect outstanding arrears from the absent father. It tells Mrs. Summerbell that there is nothing more it can do, unless she accepts a departure to a maintenance procedure. It would be rather like a formal and rigidly patterned dance, were it not so frustrating for the parent with care, and were it not for the fact that, in the end, it is a young child who is effectively the victim. Believe it or not, it is seven years since Mrs. Summerbell approached the CSA, and the matter is far from resolved.

Mrs. Summerbell tells me that she has seen it stated in the press that the CSA has the power to employ private detectives or to take away an absent parent's driving licence, but none of these sanctions has been used in her case, to the best of my knowledge. If no new evidence existed about the absent father, the CSA understandably might say that it had tried and failed, but with the best will in the world that cannot be said in this case. This is yet another example of the CSA's administrative failures compounding and ultimately supporting—I do not say that lightly—the attempts of an absent parent to avoid the financial duty of paying maintenance.

The latest frustration for my constituent is that after her having supplied further information, the CSA announced that its computer does not recognise the postcode of the address at which the father is resident. Given the existence of databases such as electoral rolls and postcode directories, it beggars belief that the CSA can come to a grinding halt. However, that only ties in with what we have learned to our regret about the computer records of many Government agencies.

Mrs. Summerbell told me that as of 13 October, the case file is still not on the computer. Given that it is described as a "new case" in the CSA's own nomenclature, the address could be put on the system manually. The irony is that the postcode remains unchanged from the previous occasions on which the CSA used it successfully to locate the person concerned.

This case also demonstrates a glaring deficiency in the joined-up government of which this Government boast. One of the pieces of evidence in the case concerns

payments to the Inland Revenue and Customs and Excise. One would think that such information would be simple to check, but the CSA claims that it cannot do so.

This case points to the total inadequacies of the system when it comes to providing for the child of a single parent where the absent parent appears determined to conceal his financial position. It is a situation where the mother struggles while the absent parent is wealthy. Cases such as these reveal the pressures that can be placed on the parent with care. Children can be used as pawns. The actions of the CSA should always be to foster the welfare of the child, not to appear to tolerate or turn a blind eye to unreasonable behaviour, nor to pressurise a parent into the acceptance of unreasonable behaviour. If duress is being placed on any party, matters such as access, level of maintenance or educational opportunity cannot be accepted as legitimate bargaining chips in pursuit of the settlement of the case.

In my view, the agency must take those aspects into account when seeking a departure agreement. Ultimately, if the circumstances of the family are such that there is a strong likelihood of unreasonable pressure being exerted, the CSA should be able to examine another route—not just to declare that nothing further can be done. That may require legislation, but if it will secure a mechanism to ensure adequate financial provision for young children who are growing up without such provision at the moment, I hope that the Minister will consider it. In the short term, it is unacceptable that the CSA can refuse to examine an apparent inconsistency between the lifestyle of a parent and the assessed level of income on the grounds that something seems to be wrong with the agency's computer.

Parents with care who are looking after their children are, by definition, living on a shoestring; otherwise, they would not be seeking the CSA's intervention. They do not have the resources necessary to invest in chasing up the agency. In fact, as I was preparing for this debate, I received another letter from my constituent, saying that she had been told that her file had been sent from the head office in Dudley to an office in Plymouth, which she now needed to contact, and, by the way, the case number had also changed.

Mrs. Summerbell asked me to clarify that she asked the CSA to look into the previous case file, which would have shown how much information she had collected in the past. Sadly, my constituent's circumstances have not changed; nor have those of her child. After seven years, the delays continue. Mrs. Summerbell contacted the CSA at the end of June and was recently told that her case would have a commencement date of September because the agency did not make contact with the absent parent until August. That is when the agency file became live—nearly three months later—and I understand that it is still pending.

On that basis, parents with care need the skills of an archivist and the patience of a saint to keep track of all the documentation, the telephone calls, the personnel involved and to mark the time ticking relentlessly away as nothing happens. All that is quite apart from the expenses involved, which weigh heavily on families with slender purses. I believe that that is an injustice for parents and children such as my constituent and her son and I hope that the Minister will seek to right it, and do so with the immediate speed that parents and children in those circumstances deserve.

In that context, Mrs. Summerbell has reminded me of a GMTV programme in which a mother was assured by a Minister in the other place and by the Secretary of State that her case would be dealt with expeditiously. That mother had been appealing for help for four years. I remind the Minister that Mrs. Summerbell first appealed to the CSA not four, but seven years ago.

In conclusion, I would also like to raise my concern that, as I understand it, under the new chief executive of the CSA, the senior case worker role is about to abolished. I believe that that role is a worthwhile one and that this case would certainly have benefited from the attention of a senior case worker. Will the Minister comment on that, because I believe that the change will result in parents with care and children being less well served by the CSA than they are currently?

I finish by observing that the last paragraph of my constituent's letter says it all. She believes that the father's lifestyle has not changed at all: he is still flying planes, going to private health clubs, driving high-class cars and so forth. "Please, please help me", she says in the letter. You have given me the opportunity, Mr. Speaker, to raise this matter on behalf of Mrs. Summerbell, so I hope that the Minister will be able to help my constituent this evening.

7.29 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I congratulate the hon. Member for Chesham and Amersham (Mrs. Gillan) on securing this debate on a subject that is obviously important to her constituent, but which is also important to the lives of so many other families. The agency has fully briefed me on this particular case and I am concerned about the way some aspects of it have been dealt with. However, I understand maintenance is in payment. I will therefore address in general terms some of the issues raised by the hon. Lady in respect of this case. She will, I know, understand that data protection requirements restrict the scope I have to respond on many of the case specifics that she raised.

I wish to start by emphasising how committed we are to creating an efficient, effective child support service. We accept that that is not where we are at the moment. We are all completely aware of the difficulties the agency faces. Too many families have experienced ongoing problems with the CSA. The staff of the agency have to deal with often very sensitive and complex issues and they deal with people who are in emotionally delicate circumstances, when relationships have broken down. I wish to take this opportunity to commend all staff at the agency for their continuous hard work and dedication. The system can let the staff down, as well as the agency's customers. That is why we are now attempting to get things sorted out.

In April, the agency's new chief executive, Stephen Geraghty, took up post. He brings many skills from his experience in the insurance and finance industries. We have asked him to use his experience to review the agency's operations and service delivery, with the aim of improving performance and getting more money flowing to children. His findings will be with the ministerial team shortly and will be reported to Parliament in due course.

[Mr. James Plaskitt]

The hon. Lady asked me to comment on a specific proposal that she has heard the chief executive will recommend. All I can say at this stage is that that must be speculation. We have not received the chief executive's report and, until we do, we cannot make decisions or comment on any particular suggestion that she thinks that he might propose.

Mrs. Gillan: I understand that under data protection rules the Minister cannot give me specific responses to some of the points I raised, but I hope that the debate will trigger a written response that I can pass on to my constituent. I also appreciate that the Minister cannot comment on rumours that I have heard, but perhaps he would express his full confidence in the role of the senior case worker, because that would be reassuring to me and many others.

Mr. Plaskitt: I will come to that point.

I wish to address some of the specific points raised by the hon. Lady this evening. The agency often needs, and asks for, assistance in collecting information to trace, and gather relevant information on, non-resident parents. However, on some occasions, that information is found to be either inaccurate, or of no benefit to the case. If there is no compelling evidence of inconsistency, the agency cannot reasonably be expected to act. The agency does not hire private detectives to trace non-resident parents, or gather information about circumstances and whereabouts. But the agency does have extensive information gathering powers.

I recognise the frustrations that the hon. Lady's constituent has experienced with getting her case on the new computer system. That has clearly caused unacceptable delay. I understand that when a case encounters that sort of problem it will be dealt with clerically. I appreciate that that is not an ideal solution, but it does at least enable some progress.

The agency's preferred method of payment for working parents is maintenance direct, in which the agency calculates the amount of maintenance to be paid, but leaves the parents to make their own payment arrangements. Cases can sometimes be stopped and subsequently restarted by either or both parties involved. In the event of closure, the agency's actions will of course cease, although voluntary maintenance arrangements may continue to operate. We recognise that continuous involvement of the agency is not necessary for all parents. In future, we shall look to extend that so that we can better support working parents in making their own arrangements. It is correct that in cases where the non-resident parent persists in wilful non-compliance, ultimately, the courts can take away driving licences or commit a person to prison. Those powers have been used, but they are also effective as a deterrent.

A crucial aspect of the case raised by the hon. Lady appears to be that her constituent is dissatisfied with the amount of child maintenance awarded in the past. It may be helpful to remind the House that in those circumstances either parent has the right to ask for the case to be reviewed, and ultimately to appeal to an independent tribunal. Clients of the agency can apply for a departure under the old scheme and a variation under the new scheme. Both are designed to consider the exceptional circumstances of clients and, in some cases, there may be real grounds for varying the rate of liability. I shall go into some more detail about variations.

It is worth stressing that variations are different from departures. The fact that someone has been refused an old-scheme departure does not mean that they will fail to get a new-scheme variation. Grounds for a variation in the new scheme include cases where the parent with care considers that the non-resident parent has diverted income, enjoys a lifestyle that is inconsistent with the income used to calculate the maintenance or has assets of more than £65,000. In those circumstances, the parent with care can apply for a variation. They may also apply if a non-resident parent, who has the ability to control their own income, has income of more than £100 a week from a company or business that is not taken into account in the maintenance calculation, which allows, for example, income in the form of dividends received by company directors to be taken into account.

If allowed, a variation on one or more of those grounds will increase the non-resident parent's net weekly income for child support purposes, and thus the maintenance liability. However, I would like to make it clear that the onus is on the applicant to provide the information to support their application. The other parent will have the opportunity to make representations and a variation will be given only after consideration of evidence from both sides and only where it is equitable to do so.

We should be realistic. Some parents will fail to co-operate, fail to pay and fail to take financial responsibility for their children. Indeed, some parents set out deliberately to evade their responsibilities. The lengths to which some non-resident parents will go continue to astound me: changing jobs, moving house, becoming deliberately unemployed or even leaving the country to avoid financially supporting their children. The agency's job would of course be easier if all parents accepted their responsibility and ultimately the children would benefit. I want us to head to a time when failing to pay maintenance is socially unacceptable.

As I said earlier, I accept that some parents with care and some non-resident parents have not received the standard of service that they had the right to expect. That was not, and is not, acceptable. It is a reality that when a relationship breaks down there is often hostility; it can be an emotionally fraught time, but it is important to remember that responsibility for a child does not end when the relationship between the parents ends. Children have a right to support from both their parents, and that right sits at the very heart of what the Government are attempting to do with the agency.

Question put and agreed to.

Adjourned accordingly at twenty-one minutes to Eight o'clock.

Deferred Division

MARKETING OF FOODS DERIVED FROM GENETICALLY MODIFIED MAIZE

That this House takes note of the unnumbered Explanatory Memorandum dated 15th July 2005, submitted by the Food Standards Agency, relating to the Draft Council Decision authorising the placing on the market of foods and food ingredients derived from genetically modified Roundup Ready maize line GA21; and supports the Government's view that products derived from this maize meet the necessary requirements for authorisation under Regulation No. 258/97.

The House divided: Ayes 215, Noes 75.

Division No. 61]

AYES

Abbott, Ms Diane
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Bryant, Chris
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Coaker, Mr. Vernon
Coffey, Ann
Cooper, Yvette
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gibson, Dr. Ian
Gilroy, Linda
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeley, Barbara
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Malik, Mr. Shahid
Malleber, Judy
Mann, John
Marris, Rob
Maraden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McFadden, Mr. Pat
McFall, rh Mr. John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Nayamith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Read, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, Angela E. *(Basildon)*
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

NOES

Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Bruce, Malcolm
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Conway, Derek
Corbyn, Jeremy
Dodds, Mr. Nigel
Drew, Mr. David
Durkan, Mark
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harvey, Nick
Heath, Mr. David
Hermon, Lady
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howarth, David
Huhne, Chris
Hunter, Mark
Kestch, Mr. Paul
Kennedy, rh Mr. Charles
Kramer, Susan
Law, Peter
Leech, Mr. John
Lloyd, Tony
Llwyd, Mr. Elfyn
MacNeil, Mr. Angus
McCrea, Dr. William
McDonnell, John
McGrady, Mr. Eddie
Moore, Mr. Michael
Mulholland, Greg
Öpik, Lembit

Paisley, Rev. Ian	Rowen, Paul	Swinson, Jo	Williams, Mark
Price, Adam	Russell, Bob	Taylor, Matthew	Williams, Mr. Roger
Pugh, Dr. John	Salmond, Mr. Alex	Teather, Sarah	Williams, Stephen
Reid, Mr. Alan	Shepherd, Mr. Richard	Webb, Steve	Willott, Jenny
Robertson, Angus	Simpson, David	Weir, Mr. Mike	Wilson, Sammy
Robinson, Mrs. Iris	Smith, Sir Robert	Williams, Hywel	Younger-Ross, Richard
Robinson, Mr. Peter	Spink, Bob		
Rogerson, Mr. Dan	Stunell, Andrew		

Question accordingly agreed to.

House of Commons

Thursday 20 October 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Recycling (Southwark)

1. **Simon Hughes** (North Southwark and Bermondsey) (LD): What support her Department has committed to the new waste recycling site in the London borough of Southwark; and if she will make a statement. [19597]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): In January, we awarded £34.5 million in private finance initiative credits to Southwark for an integrated waste management contract to help deliver national targets for recycling and diversion from landfill.

Simon Hughes: The Government's support for Southwark's waste policy is much appreciated, as the Minister will know. Can he now give an assurance that the announcement by the Mayor of London that there is to be a London-wide facility will not in any way jeopardise the proposals that the Government and Southwark's local authority have agreed, and that the local authority can continue making the financial arrangements that are not only in Southwark's interest but in the interests of London as a whole?

Mr. Bradshaw: Yes, I can. No decision has yet been made on the future structure of waste management in London—the announcement was of the Mayor's desire rather than of any outcome. It is vital that the investment already in the pipeline continues to go in, and I can give the hon. Gentleman the assurance that he seeks. In fact, I met representatives from Southwark council this week to discuss his concerns, and made that point to them strongly.

Common Agricultural Policy

2. **Mr. David Amess** (Southend, West) (Con): If she will make a statement on plans for further reform of the common agricultural policy. [19598]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): We played a leading role in securing major improvements to the CAP in 2003. We have made reform of the sugar regime a top priority during our EU presidency. We are working towards an ambitious outcome on liberalisation of agricultural trade in the World Trade Organisation. In addition to that, we have called for a fundamental review of the whole EU budget, including the CAP, within the next few years.

Mr. Amess: It is clear from Government evidence to the House of Lords European Union Committee on the future financing of the CAP that the Brussels ceiling of financing will be reached by 2008. How do the Government intend to address that?

Margaret Beckett: Of course, it will not just be the Government who must address that but the whole European Union. If that ceiling is breached in 2008, which I accept is a possibility, there will have to be a discussion as to how expenditure is brought back beneath the ceiling. That was agreed in 2003, but the exact mechanisms for doing so were not agreed and would no doubt have to be discussed.

Mr. James Paice (South-East Cambridgeshire) (Con): Given that Commissioner Mandelson said on Tuesday,

"It is absolutely and unequivocally not the intention of the Commission to use the"

Hong Kong negotiations,

"to precipitate a new phase of CAP reform"

is not it clear that despite the Prime Minister's tough words in the summer, nothing has happened under the UK presidency to deal with the problems of export subsidies or the other reforms that everybody requires? Can the Secretary of State at least confirm the rumours that we have heard that Downing street, at any rate, is now considering the Conservative party's proposals for co-financing of the CAP on an ascending basis, which we put forward in the summer?

Margaret Beckett: No, the Commissioner's statement does not mean any such thing. The handling of proposals on export subsidies is very much part of the negotiating package, but it is absolutely the Commission's view, and the view of every member state, that that must be approached in parallel with the issue of export support given by other partners in the WTO negotiations. It must therefore be considered alongside export credits, state trade enterprise work or food subsidies. It remains absolutely in play, however, and we await moves from others to show what they would do in parallel. As to the issue of co-financing, that is raised from time to time, and I am interested that it is still the view of the Conservative party that that should be pursued. The hon. Gentleman will know, I am sure, that that is not popular with everybody. The main thing that we must bear in mind is that whatever changes might be made, at any point in the future, there is a single market in farm produce and a level playing field across the European Union.

Avian Influenza

3. **Ms Celia Barlow** (Hove) (Lab): What preparations she is making for the possibility of an outbreak of avian influenza in the United Kingdom. [19599]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Preparations for dealing with an outbreak of avian flu are detailed in our contingency plan, which is available in the Library of the House and on DEFRA's website.

Ms Barlow: Will my hon. Friend confirm that his Department is liaising with the Department of Health to develop a joined-up strategy in the event of an incident of bird flu in the United Kingdom? Given Britain's presidency of the European Union, what leadership are the Government giving to our European colleagues?

Mr. Bradshaw: On the first part of my hon. Friend's question, yes, I can confirm that we have been working closely with the Department of Health, going back several years, long before the issue of avian flu, I suspect, came across many Members' radar screens. On the second part of her question, she is right that the UK has an important role in the presidency. She might or might not be aware that there is an intention to bring forward a new directive on avian flu under our presidency, and we are working hard on that, as well as on improving surveillance and the contingency plans of other countries that might not be so well developed as ours.

Mr. John Randall (Uxbridge) (Con): The Minister will be aware, no doubt, that the World Health Organisation and other UN departments have said that any cull of wild birds is not feasible and not necessary. Will he get his Department to issue a statement to the effect that such a cull is not required?

Mr. Bradshaw: I can certainly confirm that such a cull would not be feasible. Indeed, the strain of the virus that is carried by wild birds is generally a very low one and most wild birds would die long before they get here.

Chris McCafferty (Calder Valley) (Lab): Do the Government support the EU proposal to reimburse some developing countries the cost of vaccine purchase and other obvious costs that will come if a pandemic were to arise?

Mr. Bradshaw: That is not really a question for my Department, but I can assure my hon. Friend that we have been working very closely with the Department for International Development, which recognises, as all sensible people do, that avian flu is a global problem that requires a global solution.

Dr. Julian Lewis (New Forest, East) (Con): No one can envy Ministers as the danger of avian flu inexorably approaches this country. Can the hon. Gentleman assure us that, when this crisis reaches our shores and given the warning that has been given, the Government's response will be a little more effective, open-minded and efficient than the response to foot and mouth disease? That was a terrible burden for Ministers. They did not entirely measure up to it. We have had plenty of warning of this one. Is he confident that preparations are ready?

Mr. Bradshaw: Yes, I am. As I say, we have been working on a contingency plan for years now, and doing so very closely with the industry, which is supportive of both the contingency plan and the measures that we have taken to date. The hon. Gentleman may or may not be aware that the contingency plan has been tested already in July, when we had an outbreak of another serious avian disease—Newcastle disease—in Surrey, where it was successfully contained and eradicated on one pheasant farm, which is a potentially more difficult situation than with chickens. I pay tribute to the excellent work done by DEFRA officials and vets there in doing that so well.

Mr. Michael Jack (Fylde) (Con): The Minister may be aware that the Ribble estuary—one of the most important sites for migratory wading birds—is in my constituency. Notwithstanding his earlier comments about what may happen to migratory birds with avian flu, will he consider organising a localised information campaign to ensure that people in places such as the Ribble estuary, Morecambe bay and others with a high prevalence of migratory birds are informed of the facts about the disease, what to look for and, more importantly for members of the public who are not wildfowlers, what to do?

Mr. Bradshaw: Yes. The Government have already increased the surveillance that we carry out, and we have also been working very closely with wildfowler organisations, shooters and ornithologists to get their help, and if they see unusual die-off in wild birds, to report it immediately. We will do more in the weeks to come to disseminate information on the surveillance of wild birds more generally to the public locally and regionally and to tell the keepers of birds what they should do if they are worried that they may have an infection on their farms.

Norman Baker (Lewes) (LD): I recognise that the Government are doing their best to strike the difficult balance between providing proper precautionary biosecurity measures and not damaging farming or alarming the public unnecessarily. On measures to protect the public, will the Minister consider further controls on the illegal importation of wild birds and perhaps the suspension of bird fairs? On protecting farming, will he recognise that we do not want to require, unless we absolutely must, all free-range poultry to be kept indoors because that would severely damage a part of farming that we all want to support?

Mr. Bradshaw: Yes, I agree with the hon. Gentleman's last point about free-range birds. We do not think that the time is yet right to ask farmers to bring their birds indoors, although we have recently issued new biosecurity advice, recommending that they feed and water their flocks inside because that can substantially reduce the contact that chickens have with wild birds. On his first point, illegal imports are just that, illegal, and he may have read in the newspapers that we

are stepping up checks for such imports at airports and ports, but I do not think that it is necessary to ban pet fairs at this stage.

Mr. Oliver Letwin (West Dorset) (Con): While I am sure that the Minister will confirm that infected birds themselves, if they arrive in the UK, are unlikely to be the method of transmission of any mutated disease that could lead to a pandemic, will he nevertheless confirm that it is of the greatest importance that those who are in charge of poultry operations should be alerted to the issue, that there should be clear steps on monitoring and that protective devices should be provided for people handing poultry so that the avian form of the flu does not transmit itself in a virulent form to them?

Mr. Bradshaw: Yes, I absolutely agree with that. It is also important for us to reflect on the fact that the disease has been quite widespread among poultry in south-east Asia for two or three years, but has infected relatively few people. We would have much better protection for poultry workers and anyone who was going to go on to a farm in this country to deal with an outbreak.

Mr. Letwin: I am delighted that the Minister and I agree about that. How, then, does he explain the fact that when my office rang 25 commercial poultry dealers over the past 48 hours, we discovered that 16 had not received any communication from his Department and could not give a positive answer to the question, "Has DEFRA offered any assistance in identifying possible signs of an outbreak?", or the question, "Has DEFRA offered any advice on protective clothing?"? Why is the Department not taking the action that it could now to diminish the chances of a problem later?

Mr. Bradshaw: It is difficult for me to comment without knowing the businesses to which the right hon. Gentleman refers. One of the challenges that we face is the fact that there is no requirement in Britain or the European Union to register a poultry business, so we will address that matter with the industry in the weeks to come. It is actually the responsibility of some of the businesses themselves to find out what they should be doing. Information is readily available on our website and is also being made available by their trade organisations and the British Poultry Council. The businesses should be asking their vets what to do. This is something that is really up to them, rather than it being for the Government to find out where they are and let them know.

Over-30-month Scheme

4. **Mr. Bob Blizzard** (Waveney) (Lab): If she will make a statement on the over-30-month scheme. [19600]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The over-30-month scheme is expected to continue after the over-30 month rule is lifted on 7 November until the beginning of January 2006 at the earliest. It will then be replaced by a voluntary three-year scheme: the older cattle disposal scheme.

Mr. Blizzard: I thank my hon. Friend for that answer, which will be welcomed by beef processors such as the Birds Eye factory in my constituency. Will he now focus his efforts on trying to get exports of this beef resumed because that would help farmers as well as people who make their living producing burgers?

Jim Knight: Yes, the end of the over-30-month scheme will be good news for the Birds Eye factory that my hon. Friend represents so well in the House. We are working hard in Brussels to get the export ban lifted as soon as possible, but I must warn him that that is unlikely to happen before February 2006 at the earliest.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I congratulate my hon. Friend on the progress that has been made on the matter and refer him to the editorial of the *Western Morning News* earlier this week, which said that the Ministers

"Lord Bach and Mr. Knight have made important moves in the right direction. For that, they deserve some acknowledgement."

However, the editorial also says:

"They must keep it up."

In the interests of continuing in the right direction, will my hon. Friend say something more about how the sales of beef might be promoted and especially the idea from the *Western Morning News* that embassies should be used to promote British beef throughout the export market?

Jim Knight: I thank my hon. Friend for her comments. The embassies are active in the way in which the *Western Morning News* would like them to be. The piece referred to the beef summit, which was chaired by my noble Friend Lord Bach last week and agreed £5.5 million funding for marketing beef domestically and overseas over three years, £1 million to increase efficiency by sharing best practice and a further £1.5 million for the red meat industry over two years to increase efficiency in the whole supply chain and groupings of producers.

Bees

5. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent steps have been taken to protect the health of the bee population. [19601]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): DEFRA is spending £1.2 million this year to protect the English honey bee population. This season, beekeepers have benefited from more than 20,000 colony inspections and an extensive programme of training, including 600 technical events, delivered by the national bee unit to help them improve disease control through good apiary management. I wish them all the best for the national honey show at Hendon this weekend.

David Taylor: The sting in the tail of any future DEFRA cuts in the bee health programme could be a halved inspectorate and the loss by disease of bee colonies throughout the land, which would decimate their pollination contribution to UK agricultural output. Will the Minister further explain his thinking to

the House and to Britain's 30,000 beekeepers and tell us whether the Government are doing anything to protect and extend crucial bee habitats?

Jim Knight: Bees are vital for the pollination of crops and wild and garden plants, which is why we continue to spend over £1.5 million a year on bee health. No cut has been made. We are gathering evidence on the effectiveness of the shook swarm technique in dealing with European foul brood disease. If that suggests that changes in the service may be appropriate, we will then consult on those changes. In the meantime, measures such as the environmental stewardship schemes will, I am sure, help protect and improve bee habitats.

Miss Anne McIntosh (Vale of York) (Con): The fact is that there is a cut of £250,000, and the risk of infection is much greater than is warranted by that minuscule saving. What message is the Minister giving to beekeepers in north Yorkshire and elsewhere in Great Britain?

Jim Knight: The hon. Lady needs to listen carefully; the message that I give them is that no cut has been made.—*[Interruption.]* No cut has been made. If it becomes appropriate, following the research that I described, to change the arrangements, there will be consultation.

Mr. John Grogan (Selby) (Lab): Does my hon. Friend recognise that the honey bees kept by the nation's 30,000 beekeepers contribute about £120 million a year to the agricultural economy through pollination? Does he recognise that European foul brood is, in effect, the avian flu of the bee world, and will he assure us that no cuts in inspection will be made while this and other diseases remain a threat?

Jim Knight: The total revenue of those who keep bees in the UK is estimated to be about £11.3 million, and the value of the role of bees in pollination in the UK has been estimated at between £120 million to £200 million, so we take these matters extremely seriously. That is why we continue to spend the money. We understand the threat posed by European foul brood disease, and the greater threat posed by American foul brood disease, which is why we are committed to sustaining bee health.

Mr. Owen Paterson (North Shropshire) (Con): The Minister is not being straight with us. This morning, I talked to Dr. Ivor Davis, chairman of the British Beekeepers Association. He is adamant that pollination, which as the Minister says, and ADAS confirms, is worth £120 million to British agriculture, is jeopardised by the proposed cut, which would reduce the number of inspectors. Will the Minister confirm now that the programme and the number of inspectors will be maintained in full?

If I may help the hon. Gentleman, I point out that he could find £250,000 by making a modest saving from DEFRA's astonishing annual travel budget of £2,224,000 or from the incredible £8,959,406.49 spent on only three outside law firms, as revealed in written answers in February.

Jim Knight: We will maintain the programme unless research suggests that we can make savings. Our first commitment is to bee health and to all the implications that we have been discussing.

Mr. Paterson: What about inspectors?

Jim Knight: And inspectors.

Single Farm Payment Scheme

6. **Mr. Graham Stuart** (Beverley and Holderness) (Con): If she will make a statement on the progress of implementation of the single farm payment scheme. [19602]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): The Rural Payments Agency continues to validate claims, to digitise new and amend existing land parcels, and to register new customers applying to the single payment scheme. As we announced earlier this month, the RPA remains on course to start payments next February.

Mr. Stuart: As you can observe, Mr. Speaker, the arm twisting in the Conservative leadership contest is getting quite serious.

On the subject of arm twisting, I want to ask the Secretary of State about a particular case in my constituency, that of Messrs Caley and Leake, farmers in Paull, near Hull. Due to the illness of their secretary and a holiday, they were 15 days late submitting their application for the scheme. Because they made a mistake they have been told that no payment will be made to them; there is no provision in the legislation for making one. That is clearly an injustice, and I raise it on behalf of farmers like them throughout the country. If the Rural Payments Agency were a paragon of efficiency, if DEFRA itself were run with peerless efficiency and if there were not endless delays in payments—which we are glad to hear will be made in February—the position might be justified. As it is, it cannot. Will the right hon. Lady please look into the matter and reverse that iniquitous decision?

Margaret Beckett: I am not in a position to comment on the individual constituency case to which the hon. Gentleman referred, because unfortunately I do not carry in my mind a comprehensive memory of every farm building in the country. If he raises the matter with my Department, we will look into it, but farmers the length and breadth of the country have had months, if not years, in which to consider their applications and submit them.

Paddy Tipping (Sherwood) (Lab): Will the Secretary of State reinforce the message that she has given the House that despite the serious difficulties that the RPA faces we are on track to make payments in February? Will she reassure farmers who face difficulties that that will happen?

Margaret Beckett: I assure my hon. Friend that we remain on track for February. My colleague in the House of Lords and I monitor closely the developing situation. He will know that one reason for the problems that have been experienced is the increase of over 1,000 per cent. in requests for land to be digitised and for land parcels that have already been digitised to be amended. Such an increase, I am afraid, impacts on the speed of delivery.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): A few weeks ago, I wrote to the right hon. Lady about the beef special premium scheme and extensification schemes, which were being cut back severely, thus causing considerable hardship throughout the UK, especially Wales. I received a response from her colleague Lord Bach on 4 October saying that the Government have plans to draw down £5.5 million from the European Union to alleviate the problems. That money will not be match funded, although other EU states regularly match fund and will do so to alleviate the problems. The right hon. Lady's colleague in Ireland, for example, will more than match fund the sum to be drawn dawn. Will she therefore reconsider her position urgently?

Margaret Beckett: I hear what the hon. Gentleman says, but he will know that what happens in other parts of the UK is different because different decisions are made and there are devolved powers. I will, of course, take heed of his observations.

Dr. William McCrea (South Antrim) (DUP): If other regions in the United Kingdom can pay out single farm payment at an earlier date will she allow that?

Margaret Beckett: The hon. Gentleman will know that other parts of the United Kingdom have made different decisions about the basis of payment, and it is for them to explain those decisions to their farmers and make their own arrangements. In England, however, we have put in place a system which, in the longer term, after what is bound to be a difficult first year, will make life much simpler and sustainable for English farmers.

Household Energy Efficiency

7. **Mr. Brooks Newmark** (Braintree) (Con): If she will make a statement on progress in promoting household energy efficiency. [19603]

The Minister for Climate Change and the Environment (Mr. Elliot Morley): The Government set out an ambitious package of measures for the household sector in the energy efficiency action plan last year and key elements of this have now been implemented.

Mr. Newmark: Councillor Roger Walters of Braintree district council has recently introduced an innovative council tax rebate scheme that rewards home owners who choose to improve household efficiency by installing wall cavity insulation. How can the Minister justify lowering the standards of energy efficiency regulation promised in the 2003 White Paper when local government is already paving the way in promoting energy efficiency?

Mr. Morley: I am not clear what the hon. Gentleman means when he speaks of lowering the standards of energy efficiency. The Office of the Deputy Prime Minister recently announced that part L of the new building regulations is to be upgraded from April next year. There is also to be a new code of sustainable building, which will go beyond the new higher levels and which we will apply to dwellings built with Government money. The scheme in Braintree is innovative, and I congratulate the council on working with Centrica on the energy efficiency commitment, which was introduced by the Government. Such schemes have much to teach other councils about energy efficiency.

Dr. Alan Whitehead (Southampton, Test) (Lab): Is my hon. Friend aware of a 2004 survey by the Building Research Establishment, which found that one third of new homes did not comply with energy efficiency standards? Does he accept that the potential problem of energy efficiency in new buildings undermines the good work of the energy efficiency action plan and new building regulations? Will he communicate to his colleagues in the Office of the Deputy Prime Minister the urgency of addressing the issue and possibly introducing further regulations to assist the implementation of the existing ones?

Mr. Morley: I agree with my hon. Friend that it is one thing to have new higher standards, but if the regulations are not enforced, they do not count for very much. The failure rate in the pressure testing of new homes is unacceptable. I am glad to say, however, that as part of the package announced by the Office of the Deputy Prime Minister, it is intended to raise the inspection level and standards of pressure testing of new homes. That must go with the new higher standards.

Mr. Andrew Turner (Isle of Wight) (Con): Does the Minister intend that through the planning process, local authorities should be able to set higher targets than those that he has set? What is the Government's target for the number of zero-energy houses to be built in the south-east?

Mr. Morley: The Government are keen to encourage the building of zero-energy houses. Local authorities can influence that through the planning regulations and the planning detail that they go into in relation to new developments. The code of sustainable building that I mentioned will be designed with a series of levels. The highest level will be zero emission. It will go further than the current "excellent" standard for eco-building from the BRE. I know that local authorities such as the Greater London authority are extremely interested in promoting low carbon and zero-carbon homes as part of new developments such as the Thames Gateway. Local authorities have a key role to play in that.

Ed Balls (Normanton) (Lab): Will my hon. Friend join me in highlighting the progress that has been made over the past few years in tackling home energy efficiency and fuel poverty by the Warm Front programme, which is run by one of Britain's leading social enterprises and has helped over 1 million homes in our country and over 1,600 homes in my constituency? Will he reassure pensioners in my constituency that

under the present Government no part of our home energy efficiency programme will be returned to VAT on fuel at 17.5 per cent.?

Mr. Morley: I can certainly assure my hon. Friend that we have no plans for the latter, although I would not presume to speak for the Chancellor. That would be very unwise, but other hon. Members are free to take their chances. The Warm Front programme has been extremely successful in taking millions of pensioners, people on low incomes and disabled people out of fuel poverty, in line with the Government's manifesto commitments. In the current round, £170 million is allocated for that. As my hon. Friend rightly said, Eaga is the organisation delivering that programme and doing that very well. I encourage all hon. Members to take part in the promotion of those schemes during the Warm Energy week, for the benefit of their constituents.

Mr. Dan Rogerson (North Cornwall) (LD): Given the role that community heat schemes can play in promoting household energy efficiency, does the Minister believe that the renewables obligation should be extended to promote renewable heat, particularly in relation to biomass?

Mr. Morley: We are undertaking a climate change programme review and renewable heat is one of the issues under consideration. The community energy programme has been very successful in encouraging biomass projects and community district heating projects, and we will continue it.

Mrs. Theresa Villiers (Chipping Barnet) (Con): Will the Minister confirm that the Government will take urgent action to increase energy efficiency and microgeneration? The Government should stop talking about energy efficiency and actually do something to deliver long-term improvements in it. It is vital that they provide certainty to allow investment in the market for energy efficiency and microgeneration, which would lead to a price reduction and is a major step towards tackling climate change. Will the Minister confirm that he is seeking to introduce energy efficiency measures—

Mr. Speaker: Order. That is far too many supplementaries.

Mr. Morley: May I gently point out to the hon. Lady that this Government introduced the energy efficiency commitment, which has been successful? We also introduced the Warm Front programme, which we have discussed, and the decent homes standard, which will raise the standard of local authority housing. Those Government commitments have assisted millions of people and are not insignificant. I am a great enthusiast for microgeneration and welcome the fact that my colleagues in the Department of Trade and Industry are consulting on an action plan for microgeneration to see how we can promote it and address barriers that might restrict its growth. A lot of the technology is produced in this country, and it can contribute to reducing emissions.

Bill Wiggin (Leominster) (Con): The Minister has said that his approach is successful, but the latest figures show that CO_2 emissions from the domestic sector have risen from 37.7 million tonnes in 1997 to 41.2 million tonnes. Buildings contribute almost half of all Britain's greenhouse gas emissions. Why have the Government cut their own target for household savings from 5 million tonnes to 4.2 million tonnes of CO_2? How can the Minister justify a 16 per cent. reduction in his own target?

Mr. Morley: The hon. Gentleman must understand that we are not interested in cutting targets, but we must work on the current figures from the domestic sector. The domestic and non-domestic sectors are major contributors to CO_2 emissions and the issues are not simple. The Government are not hiding information and we are trying to be open and transparent. We have introduced new measures, which have not been seen before in this country, and we are confident that we will make progress on reducing CO_2 emissions from those sectors.

Live Animal Exports

8. **Tim Loughton** (East Worthing and Shoreham) (Con): What recent discussions she has had with her EU counterparts on restricting the export of live animals. [19604]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): We have regular discussions with our EU counterparts on live animal exports. Last year, we agreed to improvements in the welfare of animals transported in the EU, although the improvements did not go as far as the UK would have liked. We will continue to press for more improvements and the hon. Gentleman knows that the proportion of UK meat exported live has fallen significantly under this Labour Government.

Tim Loughton: That may well soon change as live cattle exports resume to the continent. The Minister knows that animal welfare and transportation standards in the UK are far superior to those in most continental countries—and they are generally adhered to. Is he sure that standards have improved since beef exports were suspended, particularly for veal calves exported for fattening to places such as France and Holland, where transport and accommodation arrangements leave an awful lot to be desired?

Mr. Bradshaw: Yes, I can confirm that welfare standards have improved and they will improve further when last year's agreement, which will specifically improve the conditions under which calves may be transported, comes into force next year. Veal crates, which have been outlawed in this country for a long time, will also be outlawed across the EU by the beginning of 2007.

Mr. Desmond Swayne (New Forest, West) (Con): The Minister may be aware that several of us have had considerable correspondence from constituents,

prompted by Compassion in World Farming, about the failure to observe a proper inspection regime at some of the Channel ports. What can be said to reassure them?

Mr. Bradshaw: I am satisfied that, as the hon. Member for East Worthing and Shoreham (Tim Loughton) said, we probably have the best inspection regime of any European Union country. Indeed, if one asks the experts at the Commission how they think that Britain performs on the welfare of animals and transport, they too will say that we perform very well. One of the important measures that was agreed last year means that the Commission will be much more proactive in ensuring that the rules are applied evenly across the EU, including in member states that have not had such a good record as we have.

Dairy Industry

9. **Mr. Geoffrey Cox** (Torridge and West Devon) (Con): What recent discussions her Department has had with the dairy industry on pricing of dairy products. [19605]

12. **Annette Brooke** (Mid-Dorset and North Poole) (LD): If she will make a statement on the state of the dairy industry. [19611]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The Government cannot get involved with price negotiations. However, through the dairy supply chain forum chaired by my noble Friend Lord Bach, we have brought the industry together to develop collective solutions to some of the challenges it faces as it adapts to the reformed common agricultural policy. I firmly believe that there is a bright future for a modern, profitable and efficient UK dairy sector.

Mr. Cox: Does the Minister agree that some of the acute problems affecting dairy pricing might be alleviated if the processing sector could have the confidence that any future consolidation will not be blocked by the Office of Fair Trading? Does he agree that it would be helpful if the Secretary of State for Trade and Industry sent a direct and clear message to the OFT that future consolidation in the sector should be looked at in a European context, not a purely national one?

Jim Knight: There is a lot of talk about consolidation and it is suggested that co-operatives can control only 25 per cent. of the market. That is only a trigger. The competition authorities will consider each case on its merits. I am in discussions with the Department of Trade and Industry about some of these issues and ensuring that it hears the concerns that are expressed to me by dairy farmers.

Annette Brooke: The pressures on remaining dairy farmers, such as a family farm in my constituency where individuals work up to 90 hours a week, include rising fuel costs and worries about potential competition from imports. Does the Minister therefore agree, despite his previous words, that the Government should play a stronger role in ensuring that an effective supermarket code of conduct is enforced so that we have a transparent and fair supply chain for milk? I emphasise fairness in all this.

Jim Knight: I repeat that markets should set prices. However, there are issues of cost that are being pursued by the dairy supply chain forum. As regards the supermarket code of practice, I am having discussions with the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), and I will continue those discussions. Like the hon. Lady, I hear constituents say that they cannot properly register their complaint, but if the OFT does not receive any complaint it is difficult for it to act.

Bovine Tuberculosis

10. **Robert Key** (Salisbury) (Con): If she will make a statement on bovine tuberculosis. [19609]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): We published our strategy for the control of bovine TB in March. Working in partnership with farmers and all interested parties, we aim to bring about a sustainable improvement in the control of bovine TB over the next 10 years, with emphasis on keeping clean areas clean and achieving a sustained and steady reduction of disease in hot spot areas. I expect to make an announcement detailing our plans later this autumn.

Robert Key: May I encourage the Secretary of State to realise that this is an animal welfare issue concerning the welfare of badgers as well as that of cattle, and that it is likely that this year some 40,000 cattle will be killed because they have bovine TB? It would be a very bad thing if the publication of the result of the trials was delayed for yet another year. The British Veterinary Association has said that that would lead to increasing animal welfare problems in badgers and cattle, as well as an increased risk to human health. This month the BVA wrote to the Secretary of State—what is she going to say to it?

Margaret Beckett: The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Exeter (Mr. Bradshaw) met the president of the BVA earlier this week. The Government are keen to strike a balance between the proper maintenance of the full scientific trials and tests, consideration of the data, publication of the results and so on, and the need for effective action. We are taking account of the information that we have and I do not anticipate the long delay that the hon. Gentleman fears in making the announcement that he seeks.

Mr. Patrick McLoughlin (West Derbyshire) (Con): How many cases were there in 1998 and how many were there in the latest year for which figures are available? What is the total cost of the episode to the Department?

Margaret Beckett: Somewhere in my heap of papers, I have figures that may include those for which the right hon. Gentleman asks. However, I can say that there has been an increase of 18 per cent. a year—I believe that

that is the point that he seeks to make. The Government acknowledge the seriousness of the problem and are determined to work with the farming community to tackle it.

Mr. David Heath (Somerton and Frome) (LD): The balance that the Secretary of State mentioned is not being achieved in parts of my constituency, where cases of bovine TB are constantly coming to light and there is a huge badger population. Far from being an endangered species, it is common in my area. Let me reinforce the points that the hon. Member for Salisbury (Robert Key) and the right hon. Member for West Derbyshire (Mr. McLoughlin) made. First, the problem means huge costs and, secondly, there is a genuine animal welfare issue for the badger population. It is inconceivable that we should allow the badger population to suffer from an endemic disease and do nothing about it.

Margaret Beckett: The hon. Gentleman makes an important point, which I do not dispute. As he and the hon. Member for Salisbury (Robert Key) rightly said, there is an important animal welfare question, and we fully recognise that. I also acknowledge that there is considerable interest in and pressure about the matter. I have studied the BVA's recommendations. Although I recognise that there are serious problems in areas such as the hon. Gentleman's constituency, he knows that that is not the case in other parts of the country. We are anxious to tackle the problem in areas such as his, but we are just as anxious, if not more so, to keep clean areas clean.

11. **Richard Ottaway** (Croydon, South) (Con): If she will make a statement on the Krebs trial. [19610]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): The culling in the Krebs trial will be completed by the end of November, with some surveying work continuing into 2006. Any interim findings will help inform policy decisions taken on bovine TB, including badger controls, before then.

Richard Ottaway: I have to confess that the Krebs trials are not at the top of the political agenda in Croydon. However, if my constituents discovered that the Government were spending money but not getting results, they would expect something to be done about that. If they found that £2 billion had been spent in 10 years, they would expect something to be done about it very quickly. If they further discovered that approximately 10,000 cattle were slaughtered in the first three months of the year, they would expect the Under-Secretary to set out a plan of action that could command the confidence of not only the agricultural sector but animal lovers.

Mr. Bradshaw: That might be difficult. However, I agree that the problem has meant a considerable cost to the taxpayer. That is why, as my right hon. Friend the Secretary of State said, we expect to make an announcement about further measures later this autumn. The hon. Gentleman's point is important because whatever we do must be based on sound science and be cost-effective. That is why we have worked on a cost-benefit analysis, which is based on the available evidence, including that from the Krebs trials and the four-area trials in the Republic of Ireland. We do not want to do something that will not work, might make things worse and cost the taxpayer even more.

Bob Spink (Castle Point) (Con): I congratulate the Department on its handling of this sensitive issue. The badger is a wonderful animal that is part of our wildlife and we should cherish it. Any Government action must be based on sound science, as the Minister said. Will he assure hon. Members that no action will be taken to exacerbate the problem by forcing badgers into clean areas?

Mr. Bradshaw: The hon. Gentleman makes an important point. Most scientists now recognise that small-scale, targeted culling of badgers may not only fail to help to tackle TB in cattle but make it worse. That is why I have a slight problem with the BVA's recommendation for targeted culling, without a definition of what the culling means.

Let me point out to those hon. Members who said that the problem was a badger welfare issue that we do not have a live TB test for badgers, so any badger culling is bound to kill many healthy badgers as well as those with TB.

EU Emissions Trading Scheme

13. **Mr. Crispin Blunt** (Reigate) (Con): If she will make a statement on the Government's management of the UK position in the European Union's emissions trading scheme. [19614]

The Minister for Climate Change and the Environment (Mr. Elliot Morley): The EU emissions trading scheme is a ground-breaking new scheme and a key element of the UK's strategy for tackling climate change. The EU ETS is a central plank of our policy of aiming to reach our domestic goal of a 20 per cent. reduction in CO_2 by 2010, and we are examining further options for phase 2.

Mr. Blunt: I am sorry, but not remotely surprised, that the Minister has completely failed to answer the question on the Order Paper. The question on the Order Paper concerns the Government's management of the UK's membership of the EU emissions trading scheme, and that management has been nothing short of an administrative disaster.

The Government submitted their national allocation plan late to the EU. A few months later they sought a revision, which the EU refused. We are now in the absurd position of returning to a plan of which the Secretary of State herself said

"Projections suggested that if we stuck with the original formula, it would have had a devastating effect on our industry."

We are now back with that formula, and taking the European Commission to court—

Mr. Speaker: Order. This should be a question, not a speech.

Mr. Blunt *rose*—

Mr. Speaker: Order. It would be best if the Minister tried to answer the question now.

Mr. Morley: I shall do my best, Mr. Speaker, but I have to say that I do not recognise those comments from the Secretary of State. Neither does the Secretary of State, who is sitting next to me.

What the hon. Gentleman says is factually incorrect. The UK was the first European country to submit its national allocation plan. It is true that it was submitted on the basis that it was a draft, but that was made very clear to the EU, which then refused to allow further changes in the modelling. That led to a disagreement.

I understand from my talks with industry groups that in most cases the plan has been implemented smoothly and effectively. Some odd individual emitters may have specific problems and, if that is the case, we shall obviously be prepared to examine the details.

Edward Miliband (Doncaster, North) (Lab): As the EU ETS proceeds, will the Minister consider ways in which it might provide incentives for clean coal technology and new clean coal plants such as the one planned for Hatfield in my constituency? Does he agree that clean coal technology can play a crucial role in meeting our climate change obligations?

Mr. Morley: I do agree, and my hon. Friend will know that the Chancellor announced in his Budget statement that he was prepared to support carbon abatement measures which would include clean coal technology. There are some exciting proposals in the UK for zero-emission power stations. My hon. Friend may also be interested to learn that, as part of the EU-China summit, under the UK presidency, we are working with the Chinese Government on a pilot project for clean coal technology. I hope that that will provide lessons that we can apply to UK facilities.

Dr. Vincent Cable (Twickenham) (LD): Given the rapid and unacceptable increase in CO_2 emissions from the aviation sector, will the Minister confirm that the Government firmly intend to incorporate aviation in the ETS? What would he regard as an acceptable growth rate, in terms of sustainability?

Mr. Morley: Under the UK presidency, we have made it one of our priorities to present proposals to include aviation in the scheme. I am pleased to say that the Commission has now presented its proposals, which we shall discuss at the December Environment Council. As for the growth figures and the calculation of the cap, they will have to be considered then as well.

Mr. David Chaytor (Bury, North) (Lab): Does my hon. Friend accept that, while the ETS is extremely important, it is not a panacea and cannot deliver significant cuts in emissions by 2010 or even by 2020? It may be several decades before the scheme makes a serious contribution to alleviation of climate change. Will he also confirm that aviation will join the scheme by 2008, as was originally intended, or has that date slipped?

Mr. Morley: While it is true that carbon trading schemes will have a progressive effect, we are already seeing reductions in CO_2 emissions as a result of, for instance, the UK scheme. We were the first country in the world to introduce a national emissions trading scheme, and it has reduced emissions of CO_2. Indeed, it has reduced emissions of the whole basket of the five greenhouse gases, so I am optimistic that we will make progress. We want aviation to form part of the EU carbon trading scheme by 2008, but I have to be honest with my hon. Friend and recognise that we cannot guarantee that progress will be made through the various EU procedures by that date.

Emissions Reduction Targets

14. **Ms Katy Clark** (North Ayrshire and Arran) (Lab): What discussions she has had with *(a)* the Department for Transport and *(b)* the Office of the Deputy Prime Minister on cross-departmental co-operation to ensure that the Government meet their domestic and international emissions reduction targets. [19615]

The Minister for Climate Change and the Environment (Mr. Elliot Morley): The Department has regular discussions with both the Department for Transport and the Office of the Deputy Prime Minister, at ministerial and senior official level, to co-ordinate climate change policy.

Ms Clark: I am grateful for that response and for all the work that the Department has done to reduce carbon emissions and to ensure that we meet our international targets. The Minister will be aware that road transport is a major polluter, accounting for more than a quarter of all carbon emissions, and that the railways are one of the most environmentally beneficial forms of transport. Can he reassure me that the environmental case for rail is being put to the Department for Transport and the ODPM, and will he agree to meet a delegation of interested MPs who wish to put the environmental case for rail and to discuss the Department's thinking on the environmental aspects of transport policy?

Mr. Morley: My hon. Friend is right about the valuable role that rail and public transport in general can play in reducing emissions from the transport sector. DEFRA and the Department for Transport have a very powerful joint public service agreement on reducing emissions from the transport sector, and we work together very closely. My hon. Friend will be aware of the investment going into the west coast main line and the upgrading of rail and signalling. Many new trains are being introduced on all our lines, which makes such transport more comfortable. I am only too happy to meet a delegation of MPs to discuss the environmental issues affecting transport.

Climate Change

16. **Ian Lucas** (Wrexham) (Lab): What recent discussions she has had with the Department of Trade and Industry concerning action to reduce climate change. [19617]

The Minister for Climate Change and the Environment (Mr. Elliot Morley): The Department of Trade and Industry shares a public service agreement target with the Department for Environment, Food and Rural Affairs to reduce greenhouse gas emissions, including carbon dioxide. There are regular discussions between both Departments at ministerial and senior official level to co-ordinate climate change policy.

Ian Lucas: At the next such meeting, will my hon. Friend, who has an outstanding record in this field, impress upon the DTI the genuine concern that exists in the microgeneration industry about the future of the photovoltaic demonstration programme? There is a real opportunity for photovoltaics to play a major role in the future, but there is concern that the DTI is not getting its house in order in taking this project forward.

Mr. Morley: I understand the point that my hon. Friend makes. PV generation forms part of the action plan on microgeneration, on which the DTI is consulting. On my recent visits around the country, I have been impressed to note that some local authorities have incorporated PV into public housing and municipal buildings. I hope that we will see more such developments, which are supported by grant aid from the DTI and the regional development agencies.

Recycling

17. **Jessica Morden** (Newport, East) (Lab): What progress is being made on reaching the 30 per cent. target for recycling household waste by 2010. [19618]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Provisional figures show that about 23 per cent. of household waste in England was recycled in 2004–05. That puts England on course to achieve its 25 per cent. recycling and composting target in 2005–06, and to achieve its 30 per cent. target by 2010. Waste is a devolved matter and, in Wales, it is dealt with by the National Assembly.

Jessica Morden: Will my hon. Friend join me in congratulating Newport council and the charity Newport Wastesavers, which recently won a national award for their recycling partnership and aim to recycle 50 per cent. of household waste by 2007? Newport council pays just £40 per tonne of waste. Does he know why other schemes in the UK cost up to £600 per tonne and has the Department done a cost analysis of such schemes?

Mr. Bradshaw: Not, I confess, that I am aware of, but it does sound as though we should have a look at the scheme that my hon. Friend's local authority has been running if it has been that successful and cheap. I congratulate it, through her, on that achievement; it appears to be setting a very good example. Generally, there is huge variation in performance across the country and I wish that some of the authorities that are not doing nearly as well would learn from Newport's experience.

Ducks

19. **Mr. Philip Hollobone** (Kettering) (Con): How much public funding has been allocated to the elimination of the ruddy duck in *(a)* England and *(b)* Northamptonshire to protect Spanish white-headed ducks. [19620]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The programme to eradicate the ruddy duck from the UK is an EU LIFE programme to conserve the white-headed duck population in Spain. It is co-funded by DEFRA and the European Commission, with DEFRA contributing £2.03 million towards the total cost of £3.34 million over five years. Given the movement of birds between sites, it is not possible to determine in advance how that funding will be allocated between regions.

Mr. Hollobone: If avian flu does not get the ducks first, the EU-funded programme probably will. Is the Minister aware of the huge local concern in Northamptonshire about the culling of US ruddy ducks and is it appropriate for the British Government to support an EU scheme against our US neighbours?

Jim Knight: It is important that the hon. Gentleman's constituents understand that the programme is crucial to deal with a major threat to the long-term survival of the white-headed duck. In essence, the ruddy ducks are over-sexed and over here, they are going on holiday to Spain and they are causing all sorts of trouble, so we have to do something about them.

Business of the House

11.31 am

Chris Grayling (Epsom and Ewell) (Con): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr. Geoffrey Hoon): I will do my best to follow the last answer in Question Time.

The business for next week will be as follows:

MONDAY 24 OCTOBER—Opposition Day [8th Allotted Day]. There will be a debate entitled "Government Handling of the Decision Relating to Railtrack", followed by a debate entitled "Licensing Laws Chaos". Both debates inevitably arise on an Opposition motion.

TUESDAY 25 OCTOBER—Second Reading of the Electoral Administration Bill.

WEDNESDAY 26 OCTOBER—Second Reading of the Terrorism Bill.

THURSDAY 27 OCTOBER—Second Reading of the National Insurance Contributions Bill.

FRIDAY 28 OCTOBER—Private Members Bills.

The provisional business for the following week will be:

MONDAY 31 OCTOBER—Second Reading of the Terrorism (Northern Ireland) Bill.

TUESDAY 1 NOVEMBER—Second Reading of European Union (Accessions) Bill.

WEDNESDAY 2 NOVEMBER—Consideration in Committee of the Terrorism Bill.

THURSDAY 3 NOVEMBER—Continuation of Consideration in Committee of the Terrorism Bill.

FRIDAY 4 NOVEMBER—The House will not be sitting.

Chris Grayling: The Leader of the House will be aware of the strength of feeling engendered by the Make Poverty History campaign and the expectations raised during the summer relating to the G8 summit and other international meetings. He will also be aware that the campaign is conducting a major lobby of Parliament in early November. Will he ensure that, prior to that lobby, we have a ministerial statement on progress made since the summer, and will he schedule a debate in Government time to coincide with that lobby to ensure that Members have a chance to challenge the Government over what is being done?

Now that the Chancellor of the Exchequer has admitted that he got his growth forecasts wrong, can we have an early debate on the public finances? It seems that tax rises are inevitable. Does the right hon. Gentleman agree that it is important for the House to have an opportunity to hear how the Treasury's forecasting went wrong and what lessons can be learned for the future so that it does not happen again?

Can we also have an urgent and long-overdue debate on energy supply? The Leader of the House will be aware of the concerns being expressed about the problem, but is he aware of comments by Sir Digby Jones today? He said:

"They have accused us of crying wolf. Well now, it's five to midnight. If it is another mild winter, that's fine, but if it's a hard winter there won't be sufficient capacity for business and to keep pensioners warm. It will be back to the days of the three- and four-day weeks."

Can we have an urgent debate on energy supply before—not when—we face that reality?

Hon. Members on both sides of the House use ten-minute Bills as a means of introducing legislation on matters important to them and their constituents. However, the allocation of slots for next year has run into difficulties because we do not yet have dates for the recesses. When will the right hon. Gentleman publish the dates of next year's recesses so that the scheduling of ten-minute Bills can get back on track?

Finally, press reports last weekend suggested that one of the Leader of the House's senior colleagues may have offered to sub-let part of his official ministerial residence to a girlfriend. Those reports followed the earlier controversy about whether Ministers should be allowed to continue to occupy official residences after they have left Government. Could we have a statement on what exactly are the rules that apply to the occupation of those residences?

Mr. Hoon: The Government strongly support the Make Poverty History campaign. We have put more money into international development to assist the poorest people in the world than any other Government in history—and certainly more than any recent Conservative Government. I shall therefore take no lectures from the hon. Gentleman on the support that we have given to help the poorest people in the world.

Last year, in the lead-up to the Make Poverty History campaign, we found time for a debate in Government time on these matters, and I anticipate that my right hon. Friend the Secretary of State for International Development will want to keep the House fully informed about the excellent progress made by the Government. I shall make sure that he is aware of the hon. Gentleman's request.

As for the public finances, on a number of occasions economic pundits—usually enthusiastically endorsed by Opposition Front-Bench spokesmen—have suggested that lack of growth has caused difficulties in the economy. None of those forecasts has so far proved to be true. I am much more willing to rely on the economic success brought to this country by my right hon. Friend the Chancellor of the Exchequer than I am on attempts by Opposition Front-Bench Members to talk down our excellent economic results since 1997. The contrast between this country's economic performance since 1997 and its lamentable showing under the previous Conservative Government is remarkable. Again, I am not in the mood for lectures on that subject.

The same applies to the question of energy supply. The shadow Leader of the House is not as old as I am, and it is interesting that he remarked on the three-day week. My limited recollection of the events of that period suggests that they took place under a Conservative Government.

The shadow Leader of the House asked about Bills presented under the ten-minute rule. We have only just returned after what has been described as a very long recess, so I am afraid that he will have to be a little patient while we decide the dates of the next recesses. After eight days back, I hope that he is not already anxious for another break. I realise that Conservative Members are probably preoccupied with other matters

[Mr. Hoon]

at the moment so I shall not distract them from the internal entertainment from which they are suffering today.

Andrew Mackinlay (Thurrock) (Lab): As the Leader of the House has not yet decided on the recesses for next year—

Mr. Dennis Skinner (Bolsover) (Lab): Are you going to congratulate him?

Andrew Mackinlay: No, I am not, as I want my right hon. Friend to do something—I want him to ensure that Parliament sits in September, although it would not be required to legislate at that time. Does my right hon. Friend agree that Parliament should not sit only when there is legislation to consider? I want the House to sit in September for ministerial statements and parliamentary questions, and there is no reason why that could not happen. Although no votes would be held, Ministers would be required to attend and those hon. Members who so wished could probe them and find out what was going on. Those who allegedly observe us would also have to be here, whereas at present the Press Gallery is like the Marie Celeste.

Mr. Hoon: As ever, I am extremely grateful to my hon. Friend for his voluble suggestions about how we should conduct business. He makes a good point, and it is obviously important that the Executive should be held to account. The question of September sittings is something that I will have to consider before I announce the recess dates. I am a member of the ministerial trade union club, and I can tell my hon. Friend that I would be delighted to see all hon. Members participating in the House's activities next September, not simply those who would like to attend.

Mr. David Heath (Somerton and Frome) (LD): The hon. Member for Thurrock (Andrew Mackinlay) has had a thoroughly good idea and I commend it.

Mr. Skinner: Would the Liberals turn up if there were no votes?

Mr. Heath: I would.

I appreciate that the next two weeks are, rightly, dominated by the measures to counter terrorism, but may I suggest an innovation for a week when the Home Office does not have a queue of new legislation with which to deal? Could we institute a countryside week, which would allow those of us who represent rural areas to have a fair share of parliamentary time? On Monday, we could have the first debate in five years in Government time on agriculture, including the parlous state of the dairy industry and the problem of bovine tuberculosis. On Tuesday, we could debate a Bill to amend the Licensing Act 2003 to do something to stop the costly chaos that is enveloping village halls and small shops. On Wednesday, we could discuss the lack of rural housing, the effect of the iniquitous planning policy guidance note 3 on rural areas and the lack of public transport. On Thursday, we could discuss the unequal funding of public services in rural areas, including policing, our schools and our health service. Would not that be a useful way of spending a week?

Mr. Hoon: I congratulate the hon. Gentleman on getting his press release out early. He made an interesting suggestion. At the time, only two Liberal Democrat Members were in attendance—one was just inside the Chamber—so I was going to say that it was a little rich for Liberal Democrats to talk about attendance, but I now see he has a recruit, so I will not make that observation.

Countryside issues are enormously important to the House and to the Government. Certainly, we believe that they should be debated regularly.

Joe Trickett (Hemsworth) (Lab): Will the Leader of the House organise an early debate on the role, powers and responsibilities of the coroners courts, which seem to be beyond the pale, and their relationship with the other parts of the criminal justice system? Such a debate would allow us to explore the variable competence that coroners bring to the exercise of their duties and may inform the legislation that I understand is being prepared in one of the Departments.

Mr. Hoon: I shall certainly take that as a representation to the Lord Chancellor, who I assume is the Minister responsible for coroners and their courts. It is an important issue that is not always well understood. I will ensure that my hon. Friend's views are passed on to the Lord Chancellor.

Bob Spink (Castle Point) (Con): May we have a debate on the health service, in which I could highlight the fact that, according to ministerial answers to my questions, more than 100 hospital beds have been cut in recent years in Basildon and Southend hospitals? In that debate, we could try to ensure that money is spent on front-line services, so that our constituents get the health care that they deserve.

Mr. Hoon: As I told the House last week, the Government would be delighted to debate health. Last week, hon. Members were very concerned about the need to have a debate on health. The Opposition have a day on Monday and what have they chosen to debate—licensing. That demonstrates perhaps that the priorities of Opposition Members are not shared by their Front Benchers. I suggested last week that Opposition Members should put pressure to debate health on their Front Benchers rather than on the Government. It is important that we debate health because we would like to make it clear that the amount of public investment in the NHS since 1997 has doubled, and will treble by 2008; that we have 79,000 extra nurses, 27,000 extra doctors and 100 new hospital building projects; and that, compared with 1997, the NHS does 500,000 more operations each year. That is a remarkable achievement.

Joan Ruddock (Lewisham, Deptford) (Lab): My right hon. Friend will know that yesterday, on a deferred vote, the House voted for a European-wide marketing consent for a genetically modified corn, despite hon. Members knowing that the vast majority of people in this country seek not to eat such foods and despite there

not being a single debate on the issue on the Floor of the House. He may not share my opposition to GM foods, but does he agree that our arrangements to scrutinise European matters are in great need of modernisation?

Mr. Hoon: Certainly, I believe—not least as a former Member of the European Parliament—that it is important to look carefully at the way in which the House scrutinises European legislation. I am of the opinion that we could do better and that we could engage in the debate about such legislation rather earlier in the process. Certainly, I know that it is something that particularly interests the Modernisation Committee.

Mr. Nigel Dodds (Belfast, North) (DUP): May we have a statement on the Floor of the House so that Ministers can be questioned about the decision to reinstate immediately to Sinn Fein its Assembly allowances worth hundreds of thousands of pounds and the intention to reinstate allowances and privileges in the House? Is not it wholly unacceptable that that should be announced in a written ministerial statement? Should not it come before the House? Will not people in Northern Ireland note the fact that the Government are proceeding contrary to the recommendation of the Independent Monitoring Commission, which states that the IRA is still involved in criminality? Will not any future attempt to tell the people of Northern Ireland that they should abide by IMC recommendations be rejected on the basis of the way that the Government are acting?

Mr. Hoon: It is important that I set out for the benefit of the House the precise legal position on allowances. Allowances for parties represented at Westminster have been available for some time. Obviously, the position of Sinn Fein was considered very carefully and that led the Government to propose a motion suspending Westminster allowances for a 12-month period, but that was contingent on the way in which Sinn Fein was operating and behaving. In the light of the IRA statement of 28 July, including the indication that the armed struggle was over, the situation is clearly different and one to which we are bound to apply the relevant legislation, which requires those payments to be made. Therefore, my right hon. Friend the Secretary of State for Northern Ireland has concluded that he should lift the suspension of the allowances with effect from 1 November. That is a perfectly straightforward situation and it is wholly consistent with the relevant legislation as it affects the House.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Will my right hon. Friend ask the Secretary of State for Health to end the uncertainty about the Government's policy on banning smoking in enclosed workplaces in England by making a statement next week? Does he agree that such a statement should preferably announce the intention for a complete ban in enclosed workplaces in the whole of England or, if not, support for the Liverpool City Council (Prohibition of Smoking in Places of Work) Bill? Has he noted that the lives and health of non-smokers at work are now to be protected in Scotland, Wales and Northern Ireland, and does he agree that the lives and health of workers in England, especially those who are non-smokers, is equally important?

Mr. Hoon: I am grateful to my hon. Friend for raising that important issue, which affects many people throughout the country and about which many people feel strongly—rightly and understandably. The Government have made it clear that they intend to introduce a Bill in this Session. Obviously, the details of that Bill are a matter for my right hon. Friend the Secretary of State for Health. Over the summer, there was extensive consultation and a large number of people responded, as did a considerable number of organisations. At present, Health Ministers are considering the results of that consultation, and I assure my hon. Friend, as I assure the House, that at the first opportunity my right hon. Friend will bring the results to the Floor of the House and will set out the Government's position.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Is the Leader of the House aware that the House of Lords Select Committee on the Constitution found that relationships between the House and the Scottish Parliament— and, indeed, between the United Kingdom Government and the Scottish Executive—were based purely on good will rather than on any proper and identified procedures? Will he make a statement about that, setting out how the Government intend to deal with the matter?

Mr. Hoon: As someone who once struggled, perhaps unsuccessfully, to teach constitutional law in a British university, I recognise that a great deal of our constitution is based on good will and is not codified. We do not have a written constitution. The hon. Gentleman is right to highlight the very good relationship between the Scottish Parliament and this Parliament. I am regularly involved in discussing arrangements between the two Parliaments; they seem to work extremely well and I am sure that that was the effect that he intended to convey in terms of his question, but certainly if particular and practical problems arise I shall be pleased to look into them.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): May I join the shadow Leader of the House in calling for a debate on the success of the British economy? At least I think that that was what he was asking for. In that debate, I would be able to point out that 20 years ago in my constituency we had one factory closure after another, one redundancy after another, that there were acres of dereliction and rubble nominally zoned for employment, and that in contrast since 1997 we have seen thousands of jobs created and major regeneration of derelict areas, to the point that last year unemployment in my constituency fell below the national average—

Mr. Speaker: Order. That sounds like an Adjournment debate to me.

Mr. Hoon: I am sure that the House is grateful for your intervention, Mr. Speaker, although I was rather enjoying the excellent account set out by my hon.

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Friend. Clearly, Conservative Members have very short memories. They have conveniently erased from their minds the record of the last Conservative Government: inflation peaking at more than 10 per cent.; interest rates at 15 per cent. for a whole year and over 10 per cent. for three years; social security spending doubling; and unemployment doubling—twice hitting 3 million. I could go on and on, Mr. Speaker, but I do not want to test your patience.

Hywel Williams (Caernarfon) (PC): May we have a debate on investment in residential property through self-invested personal pension schemes—SIPPS? The Government intend to change the rules from April and that has given rise to fears of an unsustainable bubble in house prices, particularly in rural areas and in holiday areas such as mine. In addition, because the selling of SIPPS will be unregulated there are fears of mis-selling, as voiced by Mr. Iain Oliver of the Norwich Union. Might we have a debate on that?

Mr. Hoon: I have seen newspaper articles expressing similar concerns to those properly raised by the hon. Gentleman, but I emphasise that what is important to the Government and, I hope, to all Members, is that we encourage people to take greater responsibility for their pension arrangements. Any incentives to make better provision for pensions must be welcomed. I certainly take account of his concerns.

Mr. David Chaytor (Bury, North) (Lab): This afternoon we have set aside about five and a half hours for a debate on the Thames Gateway. I do not deny that that is an important issue, but I question whether it sets a precedent for debates on other parts of the country. The M66 corridor, for example, which goes through my constituency, the M65 corridor and the M60 corridor are all very important to people in the north-west. I question whether debates on essentially sub-regional issues are the best use of the time of a national Parliament.

Would it not have been better, for example, to have had a debate on an issue about which there is huge interest—the future of Britain's weapons of mass destruction? Now that the Prime Minister has opened up the debate on Trident, is it not essential that we do not allow Conservative interpretations of what constitutes national security or commercial confidentiality to limit the spirit of freedom of information about Trident in which the debate must take place? Is it not important—

Several hon. Members *rose—*

Mr. Chaytor: This is my final flourish. Is it not important that all the evidence is on the table?

Mr. Hoon: As each week goes by, my admiration grows for my hon. Friend's ability to ask ever more ingenious questions. I try carefully to note the issues in order to answer. The first half of my answer was going to be about the importance of debating other parts of the country. I recognise that the Thames Gateway is a highly important wealth-creating area of the United Kingdom and it is right that we should have this afternoon's debate, but I share my hon. Friend's view that other parts of the country are important—I look at my hon. Friend the Member for Bolsover (Mr. Skinner), who, I am sure, would agree on the importance of having a debate on the M1 corridor and other parts of the country.

However, as it turned out, that was not the purpose of the question asked by my hon. Friend the Member for Bury, North (Mr. Chaytor). My right hon. Friend the Prime Minister made it quite clear that there will be an opportunity to debate the replacement of Britain's independent nuclear deterrent. That is of vital concern to Members and in the course of this Parliament it will be arranged.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Our prisons are dangerously overcrowded, reoffending rates are at record levels and our probation service is overstretched, yet for two years the Government have been handling a botched reorganisation of the prison and probation services without giving this House the opportunity to scrutinise their proposals. We learn today in a written statement that the legislation will be delayed yet again and that there is to be yet another consultation on abolishing probation boards. I would like to know from the right hon. Gentleman when this House will have an opportunity to scrutinise the complete incompetence of the Home Office in handling changes in the prison and probation services.

Mr. Hoon: As I am responsible for the Government's legislative programme, which seems to be packed with Home Office Bills that allow an opportunity to debate such issues very regularly, I am slightly surprised at the hon. Lady's observations. Perhaps she was confining her remarks more precisely to the effect of sentencing and the consequences for prisons and the legal system. We certainly take very seriously the importance of providing appropriate arrangements for both prisons and probation. That is one of the reasons why we have been looking carefully at future reforms of the system. I make it absolutely clear to the hon. Lady that we take the issue extremely seriously.

Mr. David Winnick (Walsall, North) (Lab): On the anti-terrorism Bill, which is to be debated next week, I want to ask my right hon. Friend a question that I more or less put to the Prime Minister yesterday. Would it be possible to hurry up compensation to the seriously injured victims of 7 July? Perhaps there will be an opportunity on Second Reading for that to be included in the measure. There is great anxiety, as I am sure my right hon. Friend knows, about continuing delays and final payments—I mentioned this yesterday and I am sorry for repeating myself—that are simply inadequate. I think, for example, of those who have lost both their legs or one of their legs and have their whole adult life in front of them.

Mr. Hoon: I am grateful to my hon. Friend for raising that issue once again. It is an important, sensitive issue that we must get right. I do not want to add to what my right hon. Friend the Prime Minister said yesterday, as he set out the Government's vision very clearly. I emphasise to my hon. Friend that the purpose of the

interim payments is obviously to provide short-term compensation for victims to allow them to adjust to the terrible injuries, from which I know many have suffered. Sometimes, however, it is necessary to take a little longer to determine longer-term questions of compensation simply to clarify the longer-term effects of such terrible injuries. I appreciate the fact that that is not always a sufficient answer for the victims or their families, but it is important that we get the figures and sums right.

Mr. Laurence Robertson (Tewkesbury) (Con): Will the Leader of the House reconsider his rather light-hearted response to the question asked by my hon. Friend the Member for Epsom and Ewell (Chris Grayling) about energy supplies? Is the right hon. Gentleman aware that the previous Energy Minister, the hon. and learned Member for North Warwickshire (Mr. O'Brien), has on at least two occasions in this House said that there could be a gas shortage in this country were there to be a cold winter either this year or next? Is he also aware that the Government's report on energy supplies in July—for which provision was made in the Energy Act 2003 simply because of Conservative pressure—was rather flimsy on gas supplies? Is it not time for that debate to take place?

Mr. Hoon: I apologise if I gave the impression of not taking that important issue seriously—I certainly do. My constituency is a former coal-mining area, as the hon. Gentleman will know well having spent a very short time there once during an election campaign—*[Interruption.]* I knew that some Members would eventually get there.

The Government take the issue extremely seriously. It is vital that we have appropriate supplies of energy. My right hon. Friend the Prime Minister set out in his recent speech at the Labour party conference the importance of securing sufficient and effective supplies of energy for the future.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. Friend will be well aware of the genuine concerns expressed by the trade union movement and employer organisations about the future of manufacturing in this country. Although the Government have a proud record of low unemployment, we are still losing too many jobs in the manufacturing sector. I therefore ask for an urgent debate on manufacturing because there is a perception among people outside the House—rightly or wrongly—that we do not give the priority to manufacturing that it deserves.

Mr. Hoon: I am grateful to my hon. Friend for raising that issue, not least because, as he rightly observed, there is a perception that somehow manufacturing in this country is not a success. It is an outstanding success. The truth is that it is so successful because we are able to deliver the same levels of output—indeed, greater levels—with a smaller number of people. The challenge for the country is to continue to support manufacturing effectively and efficiently, to allow the industry to continue to compete successfully around the world. We should certainly go on discussing and debating those issues to give them the right priority in the country.

Mr. Patrick McLoughlin (West Derbyshire) (Con): The Leader of the House knows the Peak district very well, but is he aware of the great concern about planning applications for quarries? An inspection was due to start in September, but it has now been postponed for six months. The authority was ready to make its case, but the planning inspector decided that insufficient time had been set aside. Will the Leader of the House ensure that the Deputy Prime Minister makes a statement, perhaps next week, because the Peak district has the largest number of quarries—more than 70 active or inactive sites—of any national park in the country?

Mr. Hoon: I am familiar with the issues, and I recognise that there has been concern for many years about the planning process as far as the Peak District national park and our other splendid open areas are concerned. If the right hon. Gentleman has suggestions for improving the planning process, I anticipate that my right hon. Friends the Deputy Prime Minister and the Secretary of State for Environment, Food and Rural Affairs would be pleased to hear them.

At this stage, I am not able to comment in detail on the inquiry. I understand, however, that the Peak district representative did not object to the delay at the time.

Chris McCafferty (Calder Valley) (Lab): Given the imminent publication of the chief medical officer's response to the recommendations in Dame Janet's fifth report on Shipman, will my right hon. Friend ensure that we have an urgent debate in the Chamber on the issues arising from the report?

Mr. Hoon: Until the report is published, I cannot anticipate what time will be available. I am grateful to my hon. Friend for raising this important issue, however, and once the report is published I will consider the matter again.

Richard Younger-Ross (Teignbridge) (LD): The Leader of the House's response to the question from the hon. Member for Lewisham, Deptford (Joan Ruddock) about European scrutiny is welcome. Will he give us a timetable, however, for when the European Standing Committees will meet again, given that, since the general election, we have been without such Committees, which probably weakens our scrutiny? Will he consider having an annual debate on the Floor of the House in the light of the Council's published annual programme, and a quinquennial debate over two or three days on the Commission's five-year programme?

Mr. Hoon: On the hon. Gentleman's latter observations, there are regular opportunities to debate European matters. My experience of such debates is that they are not always the best attended, but perhaps I could offer a deal whereby we would table opportunities for such debates if we could ensure that a reasonable number of Members were willing to participate in them. I would be delighted to hear the five-hour speech that the hon. Gentleman is offering, but having occasionally sat through speeches of a similar length from certain Opposition Members I do not anticipate that it would necessarily be the best use of parliamentary time. I am grateful for his observations on European scrutiny, however, and I believe that the current

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ad hoc arrangements provide effective scrutiny. He is right to say that we will need to establish permanent arrangements in due course.

Mr. Andrew Mackay (Bracknell) (Con): Following the Leader of the House's response to the hon. Member for Belfast, North (Mr. Dodds), may I ask him to reflect on the fact that it was unfortunate, to say the least, that the Secretary of State for Northern Ireland did not come to the Dispatch Box yesterday to make a statement? In the light of the Independent Monitoring Commission's recently published report, which makes it clear that it is too early to be certain about the Provisional IRA's welcome declaration that the war is over and states deliberately that it has no recommendation to make on allowances, will he assure us that he will not rush to the House to change the allowance regime for Sinn Fein Members until we are all totally satisfied that the war is really over?

Mr. Hoon: The right hon. Gentleman has a great deal of experience and knowledge of the situation in Northern Ireland, so I will not trade my more modest knowledge with his. Given the long history of difficulty, trouble and violence in Northern Ireland, it seems to me—I am not offering my judgment in place of the judgment of those with greater experience—that, at this stage at any rate, in the light of that historic announcement it is not inappropriate that the House and the Government should respond modestly to try to encourage greater confidence on all sides in Northern Ireland, in the hope of moving towards a more permanent settlement. If we all sit back and say, "There is no change, and can be no change," there will be no change. We have a responsibility to try to make some progress in this difficult area.

Dr. William McCrea (South Antrim) (DUP): May I press the Leader of the House on his answer? Although it might be true that the action taken by the Secretary of State for Northern Ireland might be consistent with legislation, surely it is morally wrong that, after one month of the IRA's declaration, and while the Government promise that they will test the intentions of the IRA, the Government have now moved on this. Surely the Leader of the House realises that concessions to known gangsters and murderers drive back the possibility of the early restoration of devolved government rather than press it ahead. We need a debate in the House.

Mr. Hoon: Again, the hon. Gentleman has far more experience in these matters than I have. Sometimes, however, perhaps we should stand aside from the strong feelings and emotions in Northern Ireland, and surely this very modest proposal is a way of continuing to test the so-far successful approach of Sinn Fein to peace in Northern Ireland. By making this modest adjustment, we are not risking gangsters or further violence. All we are doing is trying to provide a modest degree of encouragement to a peace process that we all want to succeed.

Michael Fabricant (Lichfield) (Con): The Leader of the House looks a pretty slim and fit sort of guy, but is he aware that if, God forbid, he were to have a heart attack, the best place to have it would be Staffordshire because ambulance service response rates are the fastest in Europe, which is what saves lives? Is he also aware, however, that under Government proposals to merge Staffordshire ambulance service with West Midlands ambulance service response times will be reduced? May we therefore have a debate in Government time on the future of Staffordshire ambulance service, given that it is Government proposals that are jeopardising the safety of Staffordshire residents and possibly even of the Leader of the House himself?

Mr. Hoon: I regularly visit Staffordshire, although I hope that I will not require the services of Staffordshire ambulance service. I have considered the proposals for more efficient arrangements for the ambulance service, however, and perhaps the hon. Gentleman overlooks the fact that ambulances will still be located in the same places—they are not all moving to Birmingham or the west midlands. They will still be in Staffordshire and will still have the opportunity of making the same response in the same time. I commend the excellence of Staffordshire ambulance service, and I see nothing at all in the proposals to change that.

Dr. Vincent Cable (Twickenham) (LD): Could a Minister make a statement to the House on the Government's management of IT projects? The key background documents, the gateway review, are barred to us under commercial secrecy provisions, and some of us have been informed by constituents that major systems, particularly the Inland Revenue's PAYE system, are in a state of complete collapse.

Mr. Hoon: That is not my understanding, but there are significant opportunities for Parliament and, indeed, for the Public Accounts Committee to scrutinise, as it does carefully, major Government IT projects. The hon. Gentleman will know from his background and experience that such major projects—public or private sector—take time to come to fruition because of their complexity. I am confident, however, that the Government's record is no worse or better than that of anyone else who embarks on such big IT projects.

John Bercow (Buckingham) (Con): Given that the Foreign Secretary has stated that the world has a collective responsibility to protect all citizens from genocide, ethnic cleansing and crimes against humanity, is it not now right that the House should have the opportunity in Government time to debate how that important doctrine should be applied to stop the serial slaughter in Darfur?

Mr. Hoon: The hon. Gentleman has rightly raised that and related issues on a number of occasions. This is something that the Government take extremely seriously. My right hon. Friend the Foreign Secretary is at the forefront of world leaders in emphasising the importance of our international obligations and commitments as well as translating them on the ground in places such as Darfur. The Government have consistently raised those issues and will continue to do so.

Mr. Henry Bellingham (North-West Norfolk) (Con): May we have a debate on Zimbabwe, where the situation goes from very bad to disastrous? Hunger and disease are now rampant. Day after day, opposition supporters are imprisoned without trial and face brutality, yet only the other day President Mugabe defied an EU travel ban to go to Rome. Why are the Government not taking Zimbabwe seriously? Why is the travel ban not being enforced?

Mr. Hoon: The Government do take Zimbabwe extremely seriously. Right hon. and hon. Members have had opportunities in the recent past to debate the appalling situation in Zimbabwe. The Government were at the forefront of the countries that ensured that the travel ban was implemented, but the hon. Gentleman will be aware that every country has international obligations to the United Nations that override the travel ban. That is not in the United Kingdom Government's hands or, indeed, those of the EU Council; it is a pre-existing treaty obligation.

Mr. Tobias Ellwood (Bournemouth, East) (Con): Following a question put to the Prime Minister by the hon. Member for Walsall, North (Mr. Winnick), who is no longer in his place, the Prime Minister suggested that there might be a possibility of extending compensation to victims of terrorism wherever such attacks happen. May we have a debate or, even better, a statement on the Government's true intentions? Only three days ago, on 17 October, I received a letter from the Prime Minister saying:

"Although I understand that there will be other families who share your view, I do not think that extending the territorial scope of the CICS to provide compensation for British victims of terrorism is the right way forward."

We live in dangerous times and terrorism recognises no borders. I believe that protection for British citizens should not face any border either. A double standard exists on the Government's support for British citizens, depending on where such attacks take place—

Mr. Speaker: Order. The hon. Gentleman is a new Member. Questions should be brief—I know that more senior Members do not set a good example—but I think that that is enough to go on with.

Mr. Hoon: I think that I got the general sense of the hon. Gentleman's concern. He is right to raise what I described earlier as a sensitive and sometimes very difficult issue, and it is obviously important that the Government get it right. We want to provide appropriate compensation to the victims of those appalling incidents. However, I suggest to him, in the light of Mr. Speaker's helpful intervention, that next Wednesday there will be a debate on the Terrorism Bill, the scope of which will, I am sure, allow him to make those points and Home Office Ministers to address them.

Mr. Desmond Swayne (New Forest, West) (Con): The Leader of the House will be aware that any question of restoring allowances at Westminster is a matter for the House. Equally, however, the restoration of allowances in Northern Ireland is a matter of ministerial judgment, and it is perfectly appropriate that we should probe that ministerial judgment in a debate, especially as no Assembly is sitting in Northern Ireland. May we have that debate?

Mr. Hoon: I am confident that the arrangements available for Ministers to be accountable to the House, not least a regular Question Time at which Members can raise a wide range of issues concerned with Ministers' responsibilities, will afford the hon. Gentleman and other hon. Members ample opportunity to pursue that matter.

David T.C. Davies (Monmouth) (Con): Will the Leader of the House request an urgent statement from the Minister of State, Department for Constitutional Affairs to explain why her Department gave accreditation to DNA Bioscience for court admissible paternity tests, despite the fact that it has no laboratory in the United Kingdom and other firms have been told that a UK laboratory is essential? The press speculate that that apparent inconsistency could be due to the fact that, for a brief period, one of the firm's directors was the Secretary of State for Work and Pensions. Surely there is no truth in that suggestion whatsoever. May we have an immediate statement to clarify matters?

Mr. Hoon: I certainly agree with the hon. Gentleman's last observation—there cannot possibly be any truth in that suggestion—but as for the other matters, again, there is regular opportunity for hon. Members to raise such issues with the relevant Ministers. To the best of my recollection, there was a Question Time this week for Ministers from the Department for Constitutional Affairs, and I am surprised that the hon. Gentleman did not raise that issue with them then.

Mr. Mark Harper (Forest of Dean) (Con): Will the Leader of the House arrange for an urgent statement from his colleague, the Secretary of State for Environment, Food and Rural Affairs? A constituent raised a matter with me this morning during questions, which is why I was unable to raise it then, about the impact that avian flu is having on the UK chicken market and the fact that products are flooding in from Italy, among other countries. I understand that the Department for Environment, Food and Rural Affairs is already concerned about that fact, but if action is not taken in the very near future there will be some very serious welfare issues in the UK poultry industry, about which the Secretary of State could perhaps update the House.

Mr. Hoon: I apologise to the hon. Gentleman; I was not present during DEFRA questions. I was attending a Cabinet meeting, where both my right hon. Friends the Secretaries of State for Health and for Environment, Food and Rural Affairs raised that important and serious issue. The Government are ensuring that our preparations are among the best in the world, as my right hon. Friend the Secretary of State for Health made clear earlier this week. I know how seriously my right hon. Friend who has responsibility for agriculture takes the impact of the threat on the agriculture market and the people who work in it in the United Kingdom, so it is certainly a matter that we have in hand.

Mr. Charles Walker (Broxbourne) (Con): As a member of Amicus and a former director of an employment agency, I was concerned that the unions mounted an anti-employment agency day on Friday. Will the Leader of the House assure me that the Government are committed to maintaining a vibrant and strong temporary employment industry that lubricates this country's competitiveness? May we have an urgent debate on the agency workers directive, so that we can be reassured that the Government will protect our economy from the directive's worst predations?

Mr. Hoon: I urge the hon. Gentleman to make his presence felt in his trade union and use his considerable influence as a Member of Parliament with trade union members. I am sure that they would be intrigued to hear the views of a Conservative Member of Parliament—from which, I suspect, they do not benefit regularly—but I advise him to be perhaps a little careful when he talks to them about the importance of employment. They have long memories of employment in this country under Conservative Governments. They can reflect, however, on the fact that 2.3 million jobs have been created in our economy since 1997, and on the fact that the Conservative party's scare tactics about the success of a Labour Government simply have not worked.

Mr. Philip Hollobone (Kettering) (Con): Is the Leader of the House aware that there is a crisis in NHS dentistry in Kettering and that there simply are not enough NHS dentists for the local population? Will he arrange a debate on NHS dentistry in Government time? Given that the Secretary of State for Health has declined my invitation to visit Kettering to discuss the issue and that the Leader of the House passes through Kettering station on his train journey home to his constituency, will he accept my invitation to visit Kettering to discuss the issue with local dentists and patients?

Mr. Hoon: In travelling to Conservative Members' constituencies to look at the excellent state of the health service across the country, I might risk not being able to devote my full attention to my responsibilities in the House. As I made clear last week, 1,000 more dentists have been recruited in recent times to deal with a problem that we recognised was affecting NHS dentistry. Those efforts in recruiting and training new dentists will continue. If there is a problem in Kettering, I hope that we can persuade a few of them to live in that wonderful town.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the Leader of the House share my appreciation of the Labour manifesto's commitment to community hospitals? If so, does he share my dismay at the fact that, while a primary care consultation is being conducted around the country and a White Paper is in preparation, beds and minor injury units are being closed at community hospitals throughout the country? The minor injuries unit at Hornsea in my constituency is to be closed and the aim is to cut beds, despite the fact that a pandemic is possible.

Will the Leader of the House also allow time to review the Environment Agency's approach to planning for rising tides, as it has outrageously suggested the abandonment of Kilnsea in my constituency, thus leaving people—including a lady who bought a house there as recently as September, her having been told it was a low flood risk area—with blighted houses that could be lost. We urgently need to debate the coastal erosion issue.

Mr. Hoon: I struggle to see the connection between the two subjects—perhaps it is my lack of understanding. We all recognise the tremendous work that community hospitals do. My constituency office in Ashfield is across the road from a community hospital that does tremendous work and I, for one, will not accept any criticism of what it does. However, it is important to emphasise the fact that community hospitals exist for a specific purpose. It is useful from time to time that they have beds available and can treat minor conditions and ailments, but the reality of modern medicine is that we want the best treatment to be available for all our patients free at the point of demand through the national health service, which sometimes means that there must be appropriate adjustments to the facilities and the provision available through community hospitals.

I know that my right hon. Friend the Secretary of State takes rising tides seriously and we will continue to look at that carefully.

Point of Order

12.21 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): On a point of order, Mr. Speaker. I seek your help and protection as a Member of the House in relation to a question that I tabled for Environment, Food and Rural Affairs questions this morning. When I left the House yesterday evening, the Question Book showed, as it had for many days, that I had Question 16. I thought that it was a fair environmental question because it asked what steps the Secretary of State was taking

"to ensure that the UK's compliance with the Waste Electronic and Electrical Equipment Directive is compatible with other environmental priorities."

I picked up the Order Paper when I came into the House this morning and found that the question had disappeared. That has never happened to me in my entire career in this House. The Table Office told me that the matter was not its responsibility and that the Department for Environment, Food and Rural Affairs had transferred the question to another Department overnight. That is a strange way to behave towards Members of Parliament. No one from the Table Office or the Department extended me the courtesy of a phone call to alert me to the situation.

A member of the Government team had asked me what kind of supplementary question I was going to ask, which makes me even more worried. I refused to give any detail but said that I was discontent with the way in which the Government were handling the WEEE directive. Following that interview, the question was transferred. If it becomes a principle that the Executive drive the programme of the House, it is a very worrying development.

Mr. Desmond Swayne (New Forest, West) (Con): Further to that point of order, Mr. Speaker.

Mr. Speaker: Let me deal with the point of order, which will help the House.

I can understand the frustration of the hon. Member for Huddersfield (Mr. Sheerman), but, as "Erskine May" makes clear, decisions on transfers of questions rest with Ministers and are not matters for the Chair. However, Departments must make transfers promptly and ensure that the hon. Member is informed.

The Leader of the House of Commons (Mr. Geoffrey Hoon): Further to that point of order, Mr. Speaker. May I help the House? I will certainly make it clear to my ministerial colleagues that we would regard it as bad practice to transfer questions on the day before oral questions.

Mr. Speaker: I am not happy for anyone to probe hon. Members about their supplementary questions, which are asked after a Minister has replied. Those questions are no one's business except individual hon. Members.

Thames Gateway

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Bob Ainsworth.]*

12.24 pm

The Minister for Housing and Planning (Yvette Cooper): It is a great pleasure to have the opportunity to debate the Thames Gateway, which is an integral part of the Government's sustainable communities plan. The Gateway also gives us an important opportunity to improve the economic prosperity not only of London and the south-east, but of the country as a whole.

The Thames Gateway is about providing much needed housing, important jobs and economic opportunities in the future. It is about improving the quality of life for current and future residents. The programme includes the creation of 180,000 new jobs and 120,000 new homes, with 35 per cent. of them being affordable homes. There will be new investment in schools, health care facilities, transport facilities, green spaces and the local environment.

Bob Spink (Castle Point) (Con): If the Thames Gateway is to deliver its potential, along with all the housing and industrial development there must surely be a proper focus on infrastructure, so that we build the roads that we need to rid the south-east from the terrible congestion from which we suffer—including Canvey's third road.

Yvette Cooper: The hon. Gentleman is right that proper infrastructure needs to be in place, so that has formed part of our approach on the Thames Gateway. We need not only transport infrastructure, but community infrastructure. We sometimes think that the matter is simply about roads, but community and cultural facilities can be as important in underpinning local communities.

We must deal with difficult transport pressures. Many areas throughout the country, whether they are growing or not, face congestion and transport pressure and a growing demand for the use of cars. Such problems cannot be addressed simply by building new roads, so we must also examine pubic transport and demand management more widely, as the Department for Transport has said. I know that the hon. Gentleman recognises that fact.

I went to Southend on Tuesday to open the Guinness Trust's new housing development at Victoria gardens. That is a good example of a brownfield development on a former gasworks site. The site had been left neglected and empty for a long time, but it now has 200 houses and apartments along with a hotel and doctor's surgery. The Thames Gateway gives us a huge opportunity to regenerate a sub-region on such a scale that it will have national or perhaps even European significance.

Dr. Howard Stoate (Dartford) (Lab): My hon. Friend is absolutely right that regenerating these potent industrial areas is absolutely crucial. Will she also ensure that we give adequate attention to job creation, because the south-east needs not more dormitory villages, but sustainable communities? Jobs should go with housing and one must not be developed without the

[Dr. Howard Stoate]

other; otherwise we get a huge imbalance that creates more commuters and adds to the already great pressure on infrastructure.

Yvette Cooper: My hon. Friend is exactly right. However, I want to talk about the area's economic potential before I discuss housing, because too often people talk about the Thames Gateway simply in the context of housing. I think that the Thames Gateway's economic regeneration potential is the most exciting thing about the region, because such regeneration will make it possible to develop housing in the Thames Gateway for the next generation. The area has remarkable economic potential for the creation of new jobs and investment. It is to the east of a fantastic capital city. Its economic potential, owing to its low-cost brownfield land and good access to the capital city, is something into which we have not yet tapped, so we need to do more. The Olympics will obviously present us with a great opportunity and I shall mention that later in my speech.

The Thames Gateway has nearly 4,000 hectares of brownfield land—about 17 per cent. of the south-east's total—located between London and mainland Europe. The fact that it has been undeveloped for so long is partly because of the area's industrial tradition and also a huge example of market failure, given its location. The decision to route the channel tunnel rail link through the Gateway is critical, as is the creation of new stations at Stratford and Ebbsfleet. That will provide economic opportunities, providing links not only to the capital city, but to Europe.

As I said, the economic potential is immense. We need to work with the three regional development agencies that cover the Thames Gateway. The area that was the industrial powerhouse of London and the southern counties can be so again if developed in the right way. It is a great area to invest in—close to the heart of London and the increasingly accessible markets of continental Europe. Earlier this year, the Prime Minister and Deputy Minister launched "Sustainable Communities: Delivering the Thames Gateway", a strategic vision for the programme, showing what we have achieved so far and the vision for the future. We need to remember that much of the Gateway is part of the city and therefore presents great opportunities for regenerating the east of the capital as well as the towns and communities that stretch out of London along the Gateway.

Already, over £1 billion has gone into transport infrastructure in the Thames Gateway to unlock the growth potential and support the communities, including the new high-speed domestic services for the channel tunnel rail link, which will operate from 2009, a new bus transit system for north Kent, and improvements to the public transport network in east London. We have also created a new £200 million community infrastructure fund specifically for the delivery of transport infrastructure in the growth areas, and we will be making announcements on the allocations from that fund by the end of the year.

We should not underestimate the importance of skills. When we talk about infrastructure we always think of transport; in fact, the skills and education infrastructure, the support for people in the Thames Gateway, is perhaps most critical for investment and economic growth. That is why we are expanding three new universities, at East London, Medway and Southend, to increase access to learning and to raise skills throughout the area, and new university facilities and buildings are being used by students at the unique multiversity campus at Chatham Maritime. We are working to upskill the local market and create more choice and a different range of jobs in the area.

James Brokenshire (Hornchurch) (Con): I totally agree with the Minister about the need for skills. Will she comment on the vocational training required for the development of the Thames Gateway? Many skilled technicians, planners, architects and builders will be needed to fulfil that vision. What will be done to ensure that local people have the ability to take advantage of that?

Yvette Cooper: There is a general issue about skills in the Thames Gateway, as the area has relatively low skill levels compared with the wider region, so there is a need to increase investment and raise skills and qualifications. The hon. Gentleman is right, though, to say that there is a specific issue about the kinds of skills, qualifications and expertise needed to regenerate a wide area such as this. That is why we asked the Egan review to consider the skills needed to support sustainable communities. One of its conclusions was that there is a need to provide a mix of skills, rather than having people working only within their own professional sphere.

We set up the Academy for Sustainable Communities, which has its headquarters in Leeds. Its role is to start to develop the skills, qualifications and courses that may be needed in different parts of the country, thereby supporting the skill development that will be needed in the Thames Gateway. I am happy to write to the hon. Gentleman about that, as he is obviously interested.

There is also a need for investment in the health infrastructure, and we have been working closely with the Department of Health, which last year announced a £60 million funding package for the growth areas. There will be a change to revenue funding methods in order to support growth. We are working with the Department to support new developments and facilities throughout the Gateway, such as hospital expansion in Lewisham and developments in Newham.

We should not underestimate the importance of improving the local environment to support the development of local communities and investment from businesses. The reality is that businesses will not invest where the work force do not want to live. The quality of design and of green spaces is a fundamental part of the regeneration of the Thames Gateway. That is why we have committed over £26 million to environmental projects to protect and enhance 53 hectares of green space—an area about the same size as the urban area of Greater Manchester. We want to develop that for future generations throughout the Gateway to enjoy.

Mr. David Evennett (Bexleyheath and Crayford) (Con): My borough, Bexley, is quite a green borough, and I find what the Minister says very interesting. I endorse her remarks about the environment, but is she

not concerned that the Thames Gateway bridge, which will be built in our area, will negate some of the worthy measures she is describing?

Yvette Cooper: The hon. Gentleman knows that as the Thames Gateway bridge has to be the subject of a planning inquiry I cannot comment on it. We have been clear from the beginning that the programme has to strike the right balance between supporting green spaces and developing the critical infrastructure needed for the development of the area.

I want to say a little more about the housing growth needed for the Thames Gateway. My view is that housing growth is possible because of the economic opportunities in the area. This needs to be an economically driven and regeneration-driven programme, but it must also deliver the new homes needed for the next generation. We should be clear about the housing need that we face, particularly in London and the south-east. Over the past 30 years there has been a 30 per cent. increase in the number of households but a 50 per cent. drop in the level of new building. That is unsustainable. That is why, as the Kate Barker report made clear, we have seen a long-term increase in house prices, which are significantly higher than in other countries. We are simply not building enough homes for the next generation.

That will have serious consequences for the aspirations and opportunities of the next generation of people who want to own their own homes. If we carry on at the current building rates, over the next 20 years the number of 30-year-old couples able to afford their own home will drop from over 50 per cent. today to under 30 per cent. That is unsustainable, and it is not fair to say to future generations that they cannot have the opportunities that their parents and grandparents had—unless their parents and grandparents are able to give them the money, or they are able to inherit it—to climb the first step on the property ladder. The case for building new homes is as much about inequality as it is about aspirations; it is as much about making sure that future generations have a fair chance to get their foot on the property ladder, rather than being dependent on their parents and grandparents.

Clive Efford (Eltham) (Lab): Has my hon. Friend seen the Shelter report "Building hope: the case for more homes now", which draws attention to the number of families, particularly children, in temporary accommodation? Across London, 73,000 children are in temporary accommodation. That highlights the need for affordable rented accommodation. The Government intend to halve the number of children in temporary accommodation by 2010. How many of those children will by then be in homes that their parents have been able to buy and how many will be in rented accommodation?

Yvette Cooper: My hon. Friend is right to say that the Shelter report highlights the serious housing pressures that we face, many of which relate to people who need rented accommodation. What we will increasingly see if we do not build enough homes is not just greater pressure for first-time buyers, who will not be able to afford a home if they do not have family help, but ever-lengthening social housing waiting lists. We have made it clear that many of the new homes that we build need to be affordable, so there should be a significant increase in social housing. We also need to support more shared equity housing, so that people are able to buy a share of their own home even if they cannot afford to buy it outright. That will support a mix of communities with people on different incomes throughout the country.

Shelter has made it clear that we need to build more homes to do so. Many people have campaigned strongly against the building of new homes, but such opponents must accept what that means for the next generation not just of people who need social housing but of first-time buyers. They are denying future generations the opportunities that their parents and grandparents enjoyed, which is unfair.

The Thames Gateway provides the housing market with a huge opportunity to build new homes that people want to live in. The new communities must not be dormitory towns, as my hon. Friend the Member for Dartford (Dr. Stoate) has said, but should be environmentally sustainable communities of well designed homes. We are tightening up building regulation standards and we will shortly publish a code on sustainable building to improve the environmental sustainability of new homes. There has been a great deal of support from MPs for the economic regeneration of the Thames Gateway and the building of new homes for the next generation, as they recognise the opportunity provided by economic growth alongside housing growth. I pay tribute to my hon. Friend the Member for Gillingham (Paul Clark), who worked hard to establish the Thames Gateway parliamentary group, which many Members have joined, with the Under-Secretary of State, Office of the Deputy Prime Minister, my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick), who will reply to this debate. My hon. Friend the Member for Gillingham is a strong advocate for his constituency, particularly in the area of skills development.

The Opposition have an opportunity to clarify their position on the Thames Gateway. In January, the hon. Member for Meriden (Mrs. Spelman) said that a Conservative Government would scrap plans for the Thames Gateway. The Conservatives then prevaricated, and a few months later they said that they might support the Thames Gateway but not other growth areas. We believe that they ought to show strong support for the Thames Gateway, and they have an opportunity to do so in this debate. Do they support the best opportunity in generations to revive and regenerate a fantastic area to the east of the capital? Do they support the best opportunity for a generation to build new homes for our children, or is their message to people in the Thames Gateway that they would simply abandon them again? Is their message to first-time buyers considering the Thames Gateway that they do not want to help them and do not want them living there? To be fair, although the Conservatives have recently refused to trust their party's future to other members of his generation, Lord Heseltine was one of the first politicians to see the opportunities for the Thames Gateway. I hope that they return to his vision for its future and support economic and housing regeneration in the area.

Investment is clearly required. The £6 billion committed across the Government to key infrastructure and transport, health, education, skills and environmental protection is critical. Over £500 million has been

[Yvette Cooper]

committed by the Office of the Deputy Prime Minister to a range of projects that support growth and improve the quality of life for existing and new residents.

James Brokenshire: Do the figures that the Minister gave for investment take account of inflationary pressures? It is recognised that the Olympics and the Thames Gateway development itself will create inflationary pressures in building and the cost of getting things done.

Yvette Cooper: We should not simply accept that new building pushes up costs. That has been a mistake too often in the past, but we should do what we can to bring down costs, which is why the Deputy Prime Minister launched a competition to design a house for £60,000. Everyone said that it could not be done, but there has been a great deal of interest, and many organisations, companies and registered social landlords have shown that it is a possible to build a well designed house at an affordable price. We should therefore do more to bring construction costs down.

There is already a great deal of investment in the Thames Gateway, but additional investment will be required for the Olympics infrastructure. Far more public investment has gone into that area to the east of London than ever before. It is a great opportunity, and we should make the most of it.

James Brokenshire: With all the inevitable construction for the Olympics and the development of the Thames Gateway, there will be a general pressure in east London and Essex on building costs, which will have an impact on services provided by local authorities and other public authorities. Careful reflection should therefore be given to the knock-on effects.

Yvette Cooper: If the hon. Gentleman is saying that we need to do something to address capacity, I agree, which is why we set up the Academy for Sustainable Communities. We also need to challenge the market, because as more land supply is made available we must ensure that the house building and construction industries deliver. They should not simply use it as an excuse to push up costs in particular areas. We need to expand the market and increase the capacity of those industries to deliver change.

The Olympics will provide a huge opportunity. The *Evening Standard* reported that house prices have gone up around Stratford as people want to live in east London because of the Olympics. Many developments might have taken place anyway in east London and the Thames Gateway, but the Olympics will provide a fantastic opportunity to champion investment. Part of the success of the bid was due to the fact that long-term plans were in place for the regeneration of the entire sub-region—it was simply not a one-off bid for a project in 2012. Linking the Olympics to the Thames Gateway provides us with a great opportunity.

Different arrangements are in place to deliver the project which acknowledges the different character of areas ranging from inner-city communities in London to small Medway towns. In last year's debate on the Thames Gateway hon. Members raised the nature of the delivery arrangements and the fact that various organisations and partnerships across the Thames Gateway work in different ways. Although we respect the diversity of the Thames Gateway area, delivery arrangements must be effective. We are working to ensure that that is the case and that we have the right leadership in place across the area to deliver change. We recently set up the Thurrock Thames Gateway Development Corporation, and there are other arrangements in other areas.

There are clearly considerable challenges in developing the sub-region, but there are also huge rewards. Growth and job opportunities will be important for young people growing up in the Thames Gateway, but new housing, and the need to meet people's aspirations and provide opportunities for the local community are also significant. We have the chance of a huge renaissance in east London and areas to the east of the city over the next 10 years. This is an exciting opportunity for those communities, who need to lead with their own vision, celebrating the area's culture and traditions and seizing the opportunities for the future. This is a great opportunity for all of us, and we must make the most of it together. I hope, too, that it is a vision that has the support of the House.

12.49 pm

Mr. Robert Syms (Poole) (Con): I am not sure that I have an interest, but I draw the attention of the House to my declaration in the Register of Members' Interests. I am the director of the family building and property company.

I welcome the debate today. The last time we debated the subject was 15 November 2004. If this is a precedent for an annual debate on such an important subject, it is a good one. Much will happen in that part of London over the next 15 or 20 years. Contributions to the debate from local Members and those from adjacent areas are important so that on issues of public policy and planning, Members of Parliament have an input at the beginning of the development.

We may not agree on everything, but there is probably more common ground on the Thames Gateway than on many other parts of the sustainable communities plan. We have concerns about the amount of development on green fields, but broadly we support the Thames Gateway. There is a logic to it, although towards the eastern end and the greenfield areas, it becomes more controversial. Today's debate will probably be constructive because it is in the interest of Members in all parts of the House that we get it right and have a sensible, mature public debate about this important development.

Bob Spink: Does my hon. Friend agree that it would have been constructive for the Minister to deal with building in the flood plains in the Thames Gateway? She should have addressed the building of the Thames port and told us when the Office of the Deputy Prime Minister would announce a decision on the Shell Haven port development. It would also have been more constructive had she told my constituents that they could expect a new terminus rail station and a new road for Canvey to deal with the new housing and industrial development that has been forced on them.

Mr. Syms: My hon. Friend makes a good point. I shall touch on some of the flood issues. We are lucky enough to have two Ministers present, and if the issue of flooding is raised, I am sure it can be swept up towards the end of the debate. To be fair to the Minister for Housing and Planning, there is so much to talk about in connection with the Thames Gateway that it is difficult to know what to put in and what to leave out.

As the Minister acknowledged, under both the Thatcher and the Major Governments a great deal of attention was paid to the eastern part of London. Lord Heseltine made a major contribution to public policy and vision in that regard. We know that London is a world-class city with great opportunities for development, but it is also a city of contrasts between extremely rich and extremely poor areas. The Thames Gateway offers an opportunity to develop a greatly under-used area and to provide good-quality development. There is great potential—4,000 acres of brownfield sites, which is about 17 per cent. of the total in the region.

It is important that the development is sustainable, with local communities, jobs and facilities, so that people can live their life there without having to crisscross London. The scheme will require massive co-operation between the public and private sectors, together with joined-up government to ensure that the full range of public services is provided. Unlike other parts of the sustainable communities plan, a great deal of public investment will be needed up front—the Minister mentioned a figure of £6 billion. It is sometimes difficult to identify what the Government are spending under each heading and where the money is going. When he sums up, will the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Poplar and Canning Town (Jim Fitzpatrick), provide a list so that we can see how the £6 billion will be spent over the next few years? That would be more helpful for the public debate than merely speaking about "billions".

As the Minister said, there are to be 120,000 new homes and 180,000 jobs in this large area, which measures 40 miles by 20 miles. It will be a major growth area for the next 20 to 30 years. Of the £6 billion, the Government have already announced £1 billion for transport infrastructure. There are some important schemes in the area. I had heard that the channel tunnel rail link was due to be finished in 2007, but the hon. Lady mentioned 2009. It is interesting how the dates tend to change at the end of infrastructure projects.

Other schemes include the Greenwich waterfront and east London transit scheme, the docklands light railway extension to City airport, and the proposals for the Thames Gateway bridge, which my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett) mentioned and which will be the subject of an inquiry. There is an argument for improving links north and south of the Thames as transport links south of the Thames have not been the best, but I accept that there are concerns that if traffic is directed towards the south, that could put added strain on already overcrowded roads. I do not expect the Minister to comment, as a public inquiry is due.

I shall not dwell on Crossrail, which has been the subject of many debates over the years. It is an expensive project and an important one for the development of London. I was struck by the contribution 12 months ago from the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) who, in his usual way, mentioned the benefits to his constituency of the Jubilee line and pleaded that when Crossrail comes to fruition at some time in the future, there should be a Woolwich station. I saw the right hon. Gentleman in the lift this morning and undertook to mention it, as he has an important constituency engagement. I understand that Woolwich is the only town centre without a station, so local people are no doubt strongly in favour of a stop there when that major and very expensive infrastructure scheme is implemented.

The Mayor and the London Assembly think that the projected housing figures are on the low side and that there might be the potential for up to 300,000 houses in the gateway, so there may be rather more and rather higher density levels. That could be achieved only if the transport infrastructure is put in at the beginning of the process. We need sustainable communities in the Thames Gateway so that education, culture and open spaces are available to the local community.

The subject of skills has been raised by my hon. Friends and by the Minister. Because the eastern part of London still has unemployment blackspots, it is important that when the development takes place and a massive investment is made, we do our best to ensure that local people have the skills to participate in building up their own communities. If we do not, we may well find people from other European countries coming in under the single market to take those jobs. I welcome the Minister's comments about the schemes, but I echo the remarks of my hon. Friend the Member for Hornchurch (James Brokenshire) about the importance of vocational training. The electrical, plumbing and building trades will be key to the development. One of the concerns is that with the preparations for the Olympics in 2012, there will be a skills shortage. The Government will have to face that challenge.

This month, the London Assembly environment committee chaired by Darren Johnson published an excellent report entitled "London under threat? Flooding risk in the Thames Gateway". The report raises a number of concerns, which the Under-Secretary might address later. I hope he does not think this is scaremongering. Last time I raised the issue a year ago, the right hon. Member for Streatham (Keith Hill) presented the Government case in his usual robust fashion, but as tragedies across the world show, there are important questions to be answered.

Fragmented responsibility is one of the major concerns about flood defences. The report suggested that there was a lack of clarity about what was putting London at risk. There is a web of different agencies in the gateway, some with overlapping responsibilities. Landowners are responsible for maintaining the majority of the defences, yet in some cases it is impossible to identify the owners. The committee was told that in 5 per cent. of east London, flood defences were in poor condition, so there is much work to be done. It concluded that information on Kent and Essex is less good than that on London and the Thames Gateway—the information is patchy, and some of the flood defences are worse than that. In the debate 12 months ago, one of my hon. Friends mentioned the

[Mr. Syms]

major floods of 1953, and we must do all that we can to avoid major flooding before we build thousands of houses in that area.

James Duddridge (Rochford and Southend, East) (Con): Do you agree that given the floods of 1953, which you have mentioned and which badly affected my constituency, funding and Government time should be spent on considering how to defend existing houses, rather than building further up the Thames Gateway in places such as Thorpe bay in my constituency, which is on a flood plain? Do you agree that that it would be better to spend resources on protecting existing accommodation, particularly in my constituency?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Member for Poole (Mr. Syms) will allow me a short tutorial: the hon. Member for Rochford and Southend, East (James Duddridge) should use the third person, not the second person—I have no involvement.

Mr. Syms: Thank you, Mr. Deputy Speaker. My hon. Friend has made his point.

We all know that flood defences are amazingly expensive. It should not be beyond the wit of the fourth wealthiest country in the world both to protect existing home owners and to provide further sites for development.

Bob Spink: On flood defences, does my hon. Friend regret, as I do, the disbanding by the Office of the Deputy Prime Minister of the Essex flood committee, which has been merged with a much wider regional body that cannot understand the needs of our local area?

Mr. Syms: That sounds like an excellent subject for an Adjournment debate.—*[Laughter.]* The issue will undoubtedly come up again, but I do not know a great deal about it, so I shall stay away from it.

We know that 1.25 million people in London are at some risk of flooding. If there were flooding in the Thames Gateway, the cost of the damage could amount to between £12 billion and £16 billion. The Government have set up the Thames estuary 2100 project, which is being run by the Environment Agency, to examine the matter. Some are worried whether the deadlines for that project will slip, and I hope that the Under-Secretary will reassure us in his winding-up speech that everything is on schedule and that the work is being done. Once the project has identified what must be done, the funding situation must be clarified in order to get it done.

The Minister mentioned the 2012 Olympics, which will draw a great deal of investment into that area of London.

On water resources, the Campaign to Protect Rural England, which has produced an excellent little booklet on the Thames Gateway, has raised the issue of fresh water. If hundreds of thousands of homes are built in that part of London, then the issue of water resources must be addressed.

On housing quality, the CPRE is keen on high urban design quality and has suggested the introduction of quality thresholds. Some of the architectural design in parts of east London leaves a little to be desired, although that area of London also contains some fine civic buildings. New buildings in the area over the next 20 to 30 years must be of the highest quality—the quality of development should be good in addition to the quantity.

I welcome the Minister's comments about affordable housing. I agree that it is important for people to buy their own homes, but many people do not have that opportunity, so we must continue to provide a decent amount of affordable housing.

London is a world-class city. The east of London contains a lot of under-used resources, and provided that we make sensible provision for flood prevention and that Departments and local authorities work together to provide the services and facilities to support that development, we can provide decent homes for hundreds and thousands of people, which will provide growth and generate a great deal of wealth.

There is a lot to commend the development of the Thames Gateway, but certain questions remain, and I hope that the Under-Secretary will not only sweep up my concerns, but answer my hon. Friends' questions. I have participated in debates like this in which few hon. Members were present, so I am glad to see so many hon. Members participating today. I shall not prolong my speech, because I understand that another hon. Member wants to make a maiden speech.

1.5 pm

Mrs. Natascha Engel (North-East Derbyshire) (Lab): Thank you, Mr. Deputy Speaker, for giving me the opportunity to make my maiden speech in this debate on the Thames Gateway. Before anyone else tells me, I know that the Thames does not run through North-East Derbyshire.

I want to pick up on the theme of the Thames Gateway as a regeneration project. What is happening in North-East Derbyshire defines regeneration. Harry Barnes, the MP for the past 18 years, spent much of his time putting in the foundations for that regeneration and overseeing many historic changes. Harry had to deal with the devastating consequences of mass pit closures and the resulting unemployment, but he made sure that North-East Derbyshire got its share of compensation and clean-up money. Right to the end, only weeks before his retirement, Harry got millions of pounds from this Labour Government to clean up the environmental mess left by the Avenue coking works in Wingerworth.

Regeneration is about change—change for the better—but it is also about building on what we have. North-East Derbyshire used to be dominated by mining and steel, and we still have a working pit in Eckington, but both industries are in decline nationally and locally. Although many of the mines are closed today, it is brilliant to see that the community spirit that bound people together in the villages is alive and kicking. That spirit has survived and adapted to our new industrial landscape, and it is the spirit of socialism. Without socialism, regenerating our communities and helping those who live in them to develop and grow would not be possible—it is the simple idea that if someone helps their neighbour, their neighbour will help them.

Speaking of neighbours, I thank all the Labour Members in Derbyshire, who have made me so welcome. I was introduced to the Derbyshire Labour

MPs when I was on maternity leave, and they brought me on a campaign to prevent the closure of medical assessment centres in Chesterfield and Derby. Yesterday, it was announced that both centres will stay open. That was achieved only by the collective strength of the Derbyshire Labour MPs working together with a national Labour Government. This is, to me, the spirit of trade unionism.

True socialism and trade unionism, the very roots of the Labour movement and the essence of regeneration, are about recognising that an individual finds dignity in work, self-esteem in skills and a sense of civic pride in community engagement. From the ashes of coal dust and the coking plants, we have grown higher-tech, higher-skilled and more highly paid jobs.

The Markham employment zone at junction 29A, which is more commonly known in our part of the world as Skinner's junction, gives us a unique opportunity to look a decade ahead.—*[Interruption.]* It is called Skinner's junction. We can identify the skills that are needed, train local people to do a job of work and let them apply their new skills. The pits, the coking plants and the steel works have also blighted much of our countryside. That project means that we are developing an expertise in cleaning up the environmental mess that we created. Skinner's junction is employing hundreds in the construction industry today, and it will provide anything up to 5,000 jobs in the future. In the same way as London and the south-east of England have embraced the Thames Gateway, we must grab that opportunity with both hands.

As MPs, our challenge is to make sure that good ideas and projects are supported by good public policy. The biggest problem with national legislation is that there is no one size that fits all—all people are different and no two circumstances are the same, which is why our Labour Government's policy on localism is so exciting. Localism is about breaking the culture of centralism and devolving power and resources to communities. In North-East Derbyshire, there is a fantastic example of how that works in practice.

The Staveley neighbourhood management project was set up about three years ago by the Deputy Prime Minister to address the problems of declining industries. Community-level services are co-ordinated and tailored to suit the needs of the community. The project covers everything from health, education and housing to transport, crime and community safety—just about every aspect of national government—but they are Staveley's policies matched to the needs of the people of Staveley.

Another village, Grassmoor, recently built a brand new community centre. It is heavily used, but not by the younger people who live there. The centre therefore organised a day of activities to attract young people in and to find out what they wanted. Apart from learning some fencing, archery and ox-boxing—I still do not know what that is—I spoke to a lot of the 12 and 13-year-olds about what they would normally be doing on a Sunday afternoon. They all said that they would be watching telly, hanging around or doing "whatever"; none of them would have been charging around, full of energy and enthusiasm and learning new things. This is what national taxpayers' money should be supporting. Who knows, one of these kids could take up fencing and end up representing us all at the 2012 Olympics.

As politicians, we must have the ability to look ahead not just for years but for generations. Whether it is building a Sure Start centre in North Wingfield, a brand new primary school in Clay Cross, or a secondary school in Dronfield, we have to look at what we will leave behind. We must make the best use of what we are already lucky enough to have, however big or small. At the moment, I feel like the luckiest person alive. I am doing a job that I love and the possibilities seem endless.

We have an industrial culture and manufacturing skills that are second to none. I want us to continue that tradition in North-East Derbyshire by building a university for manufacturing to harness and pass on those skills to future generations. I want to see true regeneration whereby we equip the young people of today with enough confidence and know-how to make decisions about the future. If younger people are to take the lead in rejuvenating our communities, it is down to us to give them the skills to do it, and we must respect their decisions if we want to be respected in turn.

Harry Barnes is a sincere and respectful man, and as a result he earned a mountain of respect in his 18 years as MP for North-East Derbyshire. I have only been an MP for a few months, but I have already made my own personal contribution to regenerating North-East Derbyshire—I had a baby a couple of weeks after the general election. It seems that a lot of other MPs on both sides of the House have done the same. It is good to have plenty of new parents here. We need a more representative mixture of parliamentarians. It gives us a stronger focus on life outside this Chamber and keeps us closer to the real-life experiences of many of our constituents. It might keep us up at night, but most importantly it will keep our feet on the ground.

I am really pleased to be making my maiden speech during a debate led by my hon. Friend the Minister with responsibility for regeneration. She is living proof that it is possible to combine good parenthood with the work of an MP. On top of that, she has always taken time to give me good practical advice. In fact, it was she who told me that none of us can get too self-important when we are walking around with baby sick on our shoulders.

I hope that all the kind voters of North-East Derbyshire who put me here and everyone in Westminster—all my hon. Friends and all the staff who work here—will make sure that I never get too self-important and help me to do the job that I was put here to do—to represent everyone in North-East Derbyshire to the very best of my ability.

1.13 pm

Sarah Teather (Brent, East) (LD): I congratulate the hon. Member for North-East Derbyshire (Mrs. Engel), who, as I am sure the whole House will agree, made an articulate, passionate and very human speech. It was nice to hear. Often, this House can be tremendously pompous, so it was a great relief to hear somebody speak in a human way about her life, passions and experience, and what brought her into politics. I suspect that as a passionate Liberal rather than a passionate socialist I will often disagree with the hon. Lady, but I look forward to doing so often. I am certain that she will make an enormous contribution to this House. I congratulate her on a superb speech that has set the tone for the debate, which I am sure I shall now let down.

[Sarah Teather]

To echo the Conservative spokesperson, the hon. Member for Poole (Mr. Syms) I hope that the comments of Liberal Democrat Members will be taken in a constructive manner. We, too, think that the Thames Gateway offers a tremendous opportunity. We disagree on some of the details, but I hope that the Minister will take my comments in the helpful spirit in which they are intended.

In her usual impressive way, the Minister went through the complexities of the project. It is very complex indeed. We are wholly signed up to the view that there is a need for many more homes in the south-east, but we do not agree that the only way to deal with the housing crisis is through shared equity schemes and the abolition of stamp duty. Such schemes may play a part, but we passionately believe that there is a great need for far more housing in the area. We do not agree that all that housing needs to be provided through brand new homes—there are other opportunities of which the Government need to make more use. We believe that the priority for any development must be to do with sustainability, jobs and transport—issues that the Minister touched on—as well as environmental considerations, which are key. Many of these developments will be on flood plains, but also, ironically, in areas that suffer from a shortage of water resources. My hon. Friend the Member for North Cornwall (Mr. Rogerson), who is hoping to catch your eye, Mr. Deputy Speaker, would like particularly to cover environmental considerations such as flooding, drainage, building regulations and transport issues, so I will leave the detail of those to him in the hope that he has that opportunity to speak.

We need to recognise that although the Thames Gateway offers something that London lacks—the space that we need—it is not a blank canvas. About 2 million people already live there, many in areas that are among the most deprived in the country. We must ensure that the benefits of the project are felt not only by families moving into the area but by those who already live there. It is vital that, unlike the docklands developments in the 1980s, local people are fully involved all the way through and have their views recognised and put into the proposals.

Let me deal with the need for more homes, which is controversial in this House. We do need more homes because hundreds of thousands of people across the south-east cannot afford a decent place to live. It is not just about buying property—there is a desperate need for social rented accommodation. I represent an area in north-west London where the housing crisis is critical. Every week in my surgery I meet people who have been on a housing waiting list for 10 or 15 years, living in appalling overcrowding. That situation is replicated across the whole of the south-east. The implications for people's lives are enormous and devastating.

It is easy to talk about the statistics, but too often we forget what they mean for families who live in such appalling conditions. I meet people who have a family member with TB, which is then passed on across the whole family. We would not expect to find that in the century in which we live, yet it is happening all across the south-east, and at a frightening level in my constituency. People living in temporary accommodation get moved on, lose contact with their GP and are unable to keep up with their drugs, so the TB develops resistance. We do not expect that level of poverty, but it is what we are dealing with. That is why we need so many more homes. Record numbers of people are in temporary accommodation—Shelter estimates that there are 73,000 across London. Many key workers, as well as young professionals with families, are priced out of the market.

The proposed scale of development is phenomenal, but I do not agree that it should be all about new homes. There are 750,000 empty homes in the UK, including almost 60,000 in the eastern region, about 90,000 in London and 80,000 in the south-east—a total of about 280,000 empty homes in the areas that we are discussing. In addition, about 1 million residential units could be created in empty commercial space above shops—at least 75,000 in London alone. The Government have introduced the empty homes and living over the shop initiatives and they give tax breaks for owners who put flats above shops, but much more could be done. The Government recently closed their consultation on the empty property management orders. I urge them to produce their report on that consultation, use it and introduce secondary legislation as soon as possible. My hon. Friend the Member for Kingston and Surbiton (Mr. Davey) argued strongly for that during the passage of the Housing Bill and we are keen for the initiative to be implemented.

We also believe that there is an option of equalising VAT on renovation and new build and we urge the Government to consider that. The Treasury has considered introducing VAT on greenfield development, but that has been postulated more as a method of getting money for infrastructure development than of providing a tax break for renovations and conversion. I would be interested to know whether any discussions had taken place about those proposals.

Localising business rates and giving councils the ability to provide incentives for businesses to come to an area would help to regenerate business and the economy. I was therefore disappointed that the Government postponed the Lyons review, and I would welcome assurances that they are still considering the idea. Since 1997, they have said that they would consider it, and I should like to know whether the Minister remains keen on it.

The demographics of the population should be clearly understood when new homes are built. We have an ageing population, but also many more single people living alone. We also have a high proportion of ethnic minority communities who may require large properties because they live in extended families. That is a problem in my constituency, where the shortage of larger properties especially disadvantages members of Asian communities who wish to live together. In the winding-up speech, will the Minister detail the sort of demographic mapping that the Government have undertaken and what further work they plan?

In a response to an intervention, the Minister said that the Government recognised the great need for affordable housing. Have they set a target for that in the Thames Gateway development? What would be the breakdown between affordable housing and the social rented sector? As other hon. Members have said, that is a key priority for the area. In a deprived

community, the social rented sector is often squeezed out in favour of affordable housing initiatives. Although the latter are important, they leave many people in a position that is no better than their previous circumstances.

The Government have a national target of 60 per cent. for new development on brownfield sites, but the Thames Gateway development has exceeded it so far. That is welcome. Is there a presumption that such developments should take place on brownfield sites? I hope that that question will be answered later.

The Government are publishing new planning guidance this autumn setting out what regional density should be. They said that the density in the Thames Gateway should be 40 dwellings per hectare, which means, given the existing brownfield site, that almost all that housing could be built on brownfield, with extra capacity. Perhaps more could be said about that later.

The key point is to ensure that the development is carried out with great care. Other developments have not always been as successful as we hoped. New towns are the only analogy to the project when we look back to try to learn from previous mistakes. Many of the English new towns constitute some of the most deprived areas in local authority terms. All but two are more deprived than the counties in which they reside and many have never grown as planned. For example, Skelmersdale was supposed to have a population of 80,000, but never made it beyond 40,000. Corby was planned for 100,000 people, but has never grown beyond 50,000. We need to examine what stopped that growth.

A key factor is the way in which we develop the plan. We have argued that developments should be based around town centres and not simply be urban sprawl, to ensure that the transport links are as efficient as possible. I appreciate that the 14 growth zones have been proposed, but to what extent is the development happening in them? What is being done to ensure that it is situated around key towns and clear town centres?

The Thames Gateway has challenges but also benefits. The Minister mentioned the wonderful opportunity that the Olympics provides. She also referred to the Eurostar terminal. However, much of the brownfield land is contaminated and expensive to redevelop. The Government have introduced a contaminated land tax credit. That is an interesting idea and I would like to know whether the Government will publish any figures or feedback on how well it is working and say whether it has borne fruit or made no impact. I should be interested to hear about that in the winding-up speech, or perhaps the Government could place some of that information in the Library.

As other hon. Members have said, Crossrail is a vital part of the redevelopment. The Crossrail Bill is progressing slowly through Parliament. Second Reading was on 18 July, but the measure needs to go to a Special Select Committee, yet no date has been set for that. What is being done to ensure that it gets through Parliament as quickly as possible so that the development can happen?

Conservative Members made interventions about social infrastructure. It will be tremendously expensive. Kent says that it alone will need £1.05 billion by 2021 to provide transport, schools, health and community facilities and to make the growth sustainable. In March 2005, the Government announced approximately £2 billion for the next five years. However, the management consultants Hornagold and Hills reported in January 2005 that the Thames Gateway will need 300 primary schools, 70 secondary schools, two universities, 100 playgrounds, 70 water-pumping stations, 80 sewage treatment works, 4,000 police officers, 10 hospitals, 180 GP surgeries, 150 recycling sites and 50 additional railway stations. That is quite a shopping list of requirements. Do the Government propose to commit to funding them? If so, how? Are they reserving land now, while it is cheaper because it is undeveloped, for those purposes before land prices increase?

The Government have hinted at a variety of initiatives that they may use to fund the infrastructure. I have already mentioned VAT on greenfield development. A planning gains supplement, planning tariffs and a development land tax have been mooted. When are the Government likely to introduce proposals so that they can be discussed, debated and scrutinised in the House? What work is being done to ensure that any proposals for consultation are not likely to damage land supply, which has been a problem when such schemes have been introduced previously?

I want to deal with some of the other issues to do with ensuring that communities benefit. Six of the London boroughs in the Thames Gateway area have long housing waiting lists. Their combined housing waiting list is approximately 51,000 households. All waiting lists in London are rapidly getting longer. Many people live in poor quality housing. What assurances can the Government give that people in such circumstances will benefit in 2016 from the proposed development?

The Learning and Skills Council has said that 112,000 of the 194,000 new jobs to be created in the area by 2016 will need applicants with A-level or degree-level qualifications. However, the number of people in higher education in the area is 20 per cent. below the national average. The Minister spoke about the expansion of the three universities, but what work is being done to encourage those people into higher and, especially, further education? My constituency includes one of the main centres of excellence for construction courses. It has found that the Government's initiatives to get people into level 2 and access courses in further education are causing a squeeze on the expensive construction courses and making it difficult to meet the required demand. I hope that the Minister will comment on that in the winding-up speech.

We are committed to the project. We have some specific concerns, which I have tried to detail, but the project is exciting and it is important to work together in a cross-party way to ensure that it works and is a lasting monument to regeneration in the area.

1.29 pm

Dr. Howard Stoate (Dartford) (Lab): It is expected that by 2010 there will be an influx of 1 million people into the south-east, attracted by the prosperity of the region. The projected construction of 120,000 new houses in the Thames Gateway by 2016, outlined in the sustainable communities plan, is part of an attempt to meet that challenge. The plan also recognises, however,

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that if the development is to be sustainable, the extra houses must be balanced by the creation of new jobs in the Gateway, primarily to cater for the new residents but also to combat social exclusion and low employment in existing communities. There are currently 1.5 million people living in the Thames Gateway, but only 500,000 jobs.

In his evidence to the Environmental Audit Committee during its inquiry into sustainable housing, Sir John Egan, the Prime Minister's adviser on the Thames Gateway, said that the purpose of development in the Thames Gateway is to provide high-quality housing for the most highly skilled people, who are attracted to London as one of the most successful cities in the world. He said that the purpose of development in the Gateway and the rest of the south-east should be to allow anyone to live in any part of the region and commute to any part of London.

That statement wholly contradicts the Government's stated policy and objectives in the sustainable communities plan. The Government need to clarify their intentions with regard to housing growth in the Thames Gateway. Is their primary aim to service the needs of London or to assist the regeneration of the Gateway and combat existing social exclusion? Or is it both? How do the Government intend to reconcile those two conflicting objectives? I should welcome clarification in the winding-up speech.

Dartford is no stranger to development and change. The gradual withdrawal of heavy industry has left many regeneration areas that are gradually being transformed into new communities. That is making the area a more pleasant place in which to live and work. Only yesterday, I visited a company in my constituency called J. Clubb Ltd. to celebrate the 75th anniversary of its existence in Dartford. The company was founded by Jimmy Clubb senior in 1930 and it employs 70 people. It provides aggregates, concrete and services to the construction industry and has been involved in almost every regeneration project in Dartford since 1930. Its new volumetric mixing vehicle has just become the first of its kind in Europe to be given British Standards Institution accreditation.

However, Dartford is also no stranger to controversy. At the heart of an ambitious plan to regenerate the town centre is a proposed Tesco development. I am told that if the development goes ahead, the store will be the second largest Tesco in the country. The development would also include more than 500 new dwellings and would result in the compulsory purchase of some 50 freeholds. More controversially, it would mean a road through the central park in Dartford.

I am very disappointed at the lack of consultation by both Tesco and the developer and the failure to engage with local people and local stakeholders. This is a project of enormous strategic importance to the Thames Gateway area. There are huge local concerns, especially about the road. I presented the council with a petition containing more than 13,000 signatures from people opposing the road. I also held my own referendum in Dartford. Of those who responded, 93 per cent. were against the road and only 6 per cent. in favour. Adjudication was independent. I am disappointed that a company of that size has not sought to engage with local people. The only way that we can enable existing communities to live in harmony with big new regeneration projects is to ensure that the existing communities are helped to understand the proposals at every step of the way and are given a chance to have their say. I am very pleased that my colleagues in the Department have agreed to call in the project for an inquiry, because that shows that they have understood local concerns. A planning inquiry will start shortly and it will be interesting to see how it goes.

There is no doubt that regeneration, economic investment and new housing are needed in the Thames Gateway area. I believe, however, that the only way to ensure that housing growth in the area is truly sustainable is to provide a direct link between housing and employment growth. When the first new towns were being planned and built in the south-east after the second world war, to cater for the overspill from London and other cities in the region, every effort was made to match jobs with housing. Indeed, in some cases it was impossible to secure a house in a new town without an offer of employment with a company or service in the area.

The system had inherent flaws and I certainly do not advocate a return to it, but we need to find a way of ensuring that economic growth keeps pace with housing growth. In my constituency, for example, there is a real danger that employment growth will soon begin to lag behind housing growth. The development of more than 1,000 homes in north Dartford is beginning to get under way, while the planned development of between 6,000 and 7,000 homes in Eastern Quarry recently received outline planning permission from the borough council. However, progress in the creation of jobs around the new international station at Ebbsfleet has been much slower.

The potential to create more than 20,000 jobs exists, but as yet few substantive expressions of interest have been forthcoming from either the public or the private sector. A commitment by the Government to a major public sector relocation to Ebbsfleet would undoubtedly help to stimulate greater interest from other potential employers.

I believe that until concrete proposals for job creation at Ebbsfleet are on the table, housing developers in the area and on major strategic sites surrounding it should proceed with caution. A substantial proportion of Dartford's labour force—currently 38 per cent.—commute to London, and I am anxious to ensure that that percentage does not increase further. Not only would such an increase place further unnecessary pressure on our already overstretched public transport infrastructure, but the viability of the new communities would be undermined if they became, in effect, no more than dormitory villages.

I support the principle of redevelopment in the Thames Gateway area and in Thameside in particular, but development on such a scale must be tempered with economic growth. The proposed developments represent a 20 per cent. increase in Dartford's housing stock. If that happens too quickly, it will unbalance the job market and result in negative rather than positive outcomes.

I would like the Government to consider either setting up an agency or charging an existing agency with responsibility for examining the viability of new housing

development in the Thames Gateway from an economic and employment perspective. An agency with that responsibility, perhaps an executive arm of the Office of the Deputy Prime Minister or the Department of Trade and Industry, would complement the work of executive agencies such as the Highways Agency and the Environment Agency, which are charged with examining the impact of new development of the trunk road network and the environment respectively. If such an agency took the view that a development was unsustainable from an employment perspective, it should have power to issue a holding notice delaying development until its concerns have been satisfactorily addressed.

What about infrastructural improvement in existing communities? Since the publication of RPG9a in 1994, when Dartford was first identified as a major development area in the Thames Gateway, successive administrations at Dartford borough council have sought to underline their commitment to ensuring that Dartford's existing communities, particularly those with high levels of deprivation such as Swanscombe, gain from the new investment being channelled into the borough.

In January 2003, shortly before the launch of the Government's communities plan—which reaffirmed Dartford's status as a key growth area—the Kent Thameside local strategic partnership made Swanscombe, Temple Hill, Tree Estate and Alamein Gardens priority communities in view of the "particular difficulties and challenges" that the communities faced. It resolved that it would

"endeavour to focus resources on the areas".

A survey of residents' views on the impact of regeneration on the area revealed widespread apprehension about the impact on Swanscombe in particular. Many residents expressed concern about the affordability of the new housing and the impact of new development on existing house values, while others referred to the disparity between the quality of existing homes and that of new homes in the new communities. That led the survey's authors to conclude that

"the general lack of satisfaction with the area",

combined with

"a sense of lack of control and influence over both the new developments and mainstream services"

could

"foster division between the new and old communities."

As a result of those concerns, a Swanscombe and Greenhithe master plan has been drawn up, funded by English Partnerships and commissioned by the South-East England Development Agency. Its aim is to provide a blueprint for future development and investment in the area. It considers how the physical fabric and the character of the community can be enhanced and tries to identify ways in which Swanscombe can be physically integrated into the new communities surrounding the village. The plan has not been costed, but its authors make it clear that

"although the masterplan provides a comprehensive vision, it has to be recognised that delivery will defend on funding availability. A key objective must be to maximise major public and private sector funding to secure regeneration initiatives."

As the master plan's own survey of possible funding opportunities shows, however, there are very few agencies with either the resources or the commitment to ensure that the plan's objectives are even partly met. The ODPM has raised £1 million for

"community facilities and environmental improvements"

in Swanscombe, which has already been allocated to existing projects. Apart from the ODPM, few of the Kent Thameside regeneration partners have the wherewithal to support the delivery of the master plan. SEEDA and English Partnerships have considerable resources at their disposal, but have made it clear that their priorities lie with the delivery of new development in Kent Thameside. The only projects in the area that they are likely to fund are those that can be shown to deliver clear benefits to new as well as existing developments.

Similarly, although the Housing Corporation could help social landlords to provide affordable housing in Swanscombe, and support schemes aimed at the purchase and refurbishment of empty properties, it is likely that the vast majority of its resources will be used to fund affordable housing on the new development sites. Extra capital funding from Dartford borough council is also unlikely to be forthcoming. The council has been heavily committed in the area over the past year, and has tied up much of its capital in other projects to regenerate other parts of the borough.

Swanscombe will continue to benefit from EU Urban II funding until 2008, but Urban II bids require match funding from other agencies and must adhere to its strict funding criteria. Funding bids to improve public buildings and green space and to promote job creation are permissible, but bids to improve private housing are not. The other drawback with the Urban II project is that the total funding amounts to only £7.4 million over six years and is meant to be available to Greenhithe, Northfleet and Gravesend, as well as Swanscombe.

The only other funding option available to the area are the section 106 agreements signed between the borough council and Land Securities, the company which is developing the Eastern Quarry, Ebbsfleet and the Swanscombe peninsula. The borough council has already concluded that this represents its best chance of securing

"both investment in Swanscombe's private sector stock and ensuring affordability of new and existing properties for sale".

The master plan also includes a large section that considers how section 106 resources from surrounding developments can best be used to meet the area's needs.

It is becoming increasingly apparent, however, that section 106 agreements alone will not provide extra resources for the area on the scale that the borough council and others believe is necessary. Unless extra resources can be made available, there is a real danger that our existing communities will not benefit fully from the regeneration opportunities in the area.

I want briefly to examine the environmental impact of development. Given that the Government have set a target of reducing carbon dioxide levels by 20 per cent. of their 1990 levels by 2010, it is disappointing that they have chosen merely to encourage developers in the Thames Gateway to adhere to their sustainable buildings code, rather than getting them to set actual carbon reduction targets. Instead, it has been left to

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local authorities and regional development agencies to set their own environmental development standards. SEEDA, for example, insists that all its funded projects comply with the EcoHomes "excellent" standard. English Partnerships has set an EcoHomes standard of "very good", although it has required some projects to meet the higher standard. The standard set by local authorities, on the other hand, varies from "excellent" to no EcoHomes standard requirement at all. Dartford borough council recently set an EcoHomes target of "good" in its 2004 housing strategy. There is considerable lack of clarity on this issue and the Government need to deal with the question of targets by giving developers a clear lead on what they expect to see in local areas.

The piecemeal approach to sustainable design and construction in the Thames Gateway has meant that developers have not given sustainable design the priority that it deserves. There are some exceptional examples of high quality sustainable design, such as the Greenwich millennium village, where the use of combined heat and power plants and a high standard of home insulation has resulted in a 65 per cent. reduction in primary energy consumption. So things can be done, but we need great commitment by the Government to ensure that such developments are replicated across the region.

The other critical issue for Dartford is water supply. At present, there is a surplus of water, but the situation could easily change. As the Environment Agency stated in "State of the Environment 2004 in South East England",

"the south-east consumes more water per person than any other region, but receives one of the lowest amounts of rainfall. A huge increase in water demand is expected as a consequence of new housing development in the south-east."

Thames Water, which supplies Dartford, forecasts that by 2029 baseline demand in the region will have reached 2,800 million litres a day—an increase of more than 400 million litres on today's figures. If something is not done to ensure that the new developments are sustainable in terms of water usage, there could be considerable problems in the medium to long term. The targets that Thames Water would like to set might be difficult to reach, but unless the Government give it and developers a steer on the anticipated level of water supply and consumption the situation will be difficult to resolve.

What we really need to do is to ensure that a thorough reassessment takes place from an environmental perspective of Kent Thameside's housing growth plans. The Thames Gateway Kent Partnership has suggested that a cumulative impact assessment of the effect of new housing development on, for example, flood risk in the area be carried out. This is a welcome proposal—it should have been made some years ago—but there is a good case for expanding the remit and looking at the proposed development in Kent Thameside from a broader environmental perspective, assessing its impact on water resources, climate, biodiversity, air quality and so on. Only then will we really be able to ensure that the very exciting and welcome development in Thames Gateway is genuinely sustainable in the future.

1.44 pm

Mr. David Evennett (Bexleyheath and Crayford) (Con): I am very pleased that we are having this debate today on a subject of considerable interest to my constituents. I intend to raise some issues that are causing concern in my area and to make some general points, but in principle I want to maintain the constructive nature of this debate.

I warmly congratulate the hon. Member for North-East Derbyshire (Mrs. Engel) on her excellent maiden speech. She spoke with—*[Interruption.]* The hon. Member for Thurrock (Andrew Mackinlay) knows that I regularly offer praise when a good speech is made. The hon. Lady spoke with great passion, confidence and humour about her constituency and her political convictions and views. We warmly congratulate her on her contribution and look forward to many more in the coming months and years.

It is also good to follow the hon. Member for Dartford (Dr. Stoate), who is my constituency neighbour. We have many constituency issues in common, and we work together closely for the benefit of both our constituencies and boroughs.

I speak not only as someone who represents a constituency that is on the Gateway's periphery and partly involved in it, but as a borough of Bexley resident, so I have a great interest in the issue from many points of view. The Minister provided a very good wish list, made an interesting speech and gave some particularly important examples of what the project hopes to achieve. Contrary to one or two of the political comments that she made, the Opposition welcome in principle the Thames Gateway development and support the vast majority of the attempts to regenerate that part of the river, but we must examine a wide variety of the issues that she raised, such as value for money, the speed and quality of development and the associated cost. This project presents us with a great opportunity, and Conservative Members are looking to take it and to participate to the full.

I congratulate my hon. Friend the Member for Poole (Mr. Syms), who made a very interesting and reasonable speech that highlighted the broad cross-party agreement on development of the Thames Gateway. Importantly, he pointed out that we must avoid using jargon. One or two of the Minister's points involved the use of jargon such as "regional sub-development". What we are really talking about is communities and people, and a region that needs investment and development. I really do not like the use of such jargon. What we should be talking about is how to improve an area that has suffered from underinvestment.

Only part of my constituency falls within the Gateway development, but the consequences will be felt across my borough and in neighbouring boroughs. The project has been in existence for some time—it used to be called the east Thames corridor—and when I was formerly a Member of the House I was a great supporter of such reinvestment. There is much potential for revival and regeneration. Other London areas have enjoyed such regeneration, but we to the east of the region were unfortunately unable to make a case for such development. We now have that opportunity, and we must not lose it.

Historically, my borough of Bexley has had a lot of heavy industry. It has also suffered from structural unemployment, and still does in parts. Some of those industries have produced pollution, and there has been a lack of opportunity in parts of the riverside, so the plan to create new jobs, industries and homes, and a cleaner environment and a better riverside for Bexley is good news. Large sums are going to be spent, and we need to ask what they will be spent on and what the consequences will be of such investment for our part of the Gateway.

There are, however, real concerns. In some ways, those of us who are south of the river feel that there are two areas: the north Thames Gateway, and the south. Each area has different issues and problems, and I urge the Minister to take that point on board. We talk about one region, but the river creates two different regions, with many and varied consequences. We should ensure—*[Interruption.]* The hon. Member for Eltham (Clive Efford) laughs; we look forward to hearing his contribution later. We are looking at two different areas with somewhat different problems.

Historically, Bexley has had poor air quality, partly due to wind direction and partly due to geography, traffic and the polluting industries that I mentioned. We look forward to investment in new, clean industries and improved air quality. As the Minister said, better quality of life is not just about jobs, but about improved health and living conditions.

Some local issues in Bexley are a matter of concern, as some developments may not be in line with the cleaner air and prospects for better health that people want. One such development is the waste to energy incinerator. If it goes ahead, it will represent a threat to our area. We are concerned about the additional pollution that may result from it—I understand that the Minister cannot comment because the matter is subject to a public inquiry—and it has been a matter of concern for the last decade. The development of an enormous incinerator in Belvedere will have consequences in my borough and for the Thames Gateway development. Traffic will increase, in addition to the consequences of whatever pollutants emerge from the incinerator.

There is a huge amount of local opposition to the incinerator, which I wholly support. Battles over the last decade have resulted in meetings, campaigns and public inquiries. At the moment, we await the result of the latest public inquiry and we hope that the inspector will reject the plan to build the incinerator. As I say, there will be significant consequences if we do not succeed in getting good, clean industries into the area. If we go back to having polluting industries, the consequences for future homes and future development will be impaired. We certainly do not want that.

We are also concerned about transport in the area south of the river. Transport in south-east London and north-west Kent is poor—indeed, it is woefully inadequate. We do not have a docklands light railway in my constituency or borough; we have no tube and we do not have a first-class rail service; and we will not receive the benefits of Crossrail. That is why I say that the Thames Gateway is not really one but two regions.

We welcome the Olympics coming to London in 2012, which will bring investment into the Thames Gateway. My question to the Minister, however, is what will be the investment benefits of our Olympic success for Bexley? We know that London will have to pay more in council tax, so people in my constituency will have to pay more.

Many local people are concerned that the benefits to the borough will be little or nothing. We will all support our teams and enjoy the event when it comes, but it will be courtesy of a high price. People fear that Bexley might become a car park for people attending Olympic events or a cut-through for the extra traffic coming through Bexley to attend events either across the river or in central and west London. That demonstrates the real local concern about transport and transport infrastructure that will benefit the part of the Thames Gateway south of the river.

The Thames Gateway bridge is another important issue that is subject to a public inquiry. Quite rightly, the Minister cannot comment, but I want to put on record the fact that local Bexley residents, particularly in the north of the borough, are extremely concerned about it. The public inquiry is based at Charlton football ground and we have had two evening sessions in Bexleyheath at which local people raised real concerns about the consequences of the bridge going ahead. The proposal is to use the bridge to link Thamesmead with Newham.

We hear from Transport for London and the Mayor that the bridge is absolutely vital for the success of the Thames Gateway. Transport for London says that it is essential, the Mayor is in favour and various experts on regeneration are strongly in favour. Without a bridge, they claim, they will not receive any of the benefits, but I question that very strongly. My political hero is Harold Macmillan, who often used to say that when experts agree they are invariably wrong. All the experts agree about the bridge, and I believe that they could well be wrong.

Clive Efford: Am I correct in recalling that the hon. Gentleman supported the former east London river crossing? He wants to make a strong case against the bridge, which I have consistently opposed, so will he give the House his reasons for changing his mind?

Mr. Evennett: I have changed my mind, but the Thames Gateway bridge is quite a different prospect from the east London river crossing, to which the hon. Gentleman alludes, although he was not a Member when it was proposed. The road network structure was quite different. Many of us were looking to a cut and cover under Oxley wood, but times move on. As the hon. Gentleman knows, some of his views have changed. We now know that traffic has increased substantially and that we have not secured the rail improvements that we were promised by the hon. Gentleman and his party. We have heard at recent elections that things are going to improve, but they have not. The proposed bridge is quite a different prospect and time has moved on. This is a different project at a different time with different consequences.

On this proposal, many Conservative Members—we all know that we are having a leadership election today—are looking forward, not backwards. Unfortunately, Labour Members always want to look back, as we heard at Prime Minister's Question Time yesterday, and trot out the same details about the past. We are looking forward and working together for the benefit of people in the area.

[Mr. Evennett]

The quality of life issue is paramount for people living in Bexley. A six-lane freeway taking huge amounts of traffic through our borough from the A2 and the A20 will cause an environmental nightmare: pollution, noise, nuisance, safety risks and health issues. Great problems will be created in our borough with no benefits to local people. Regrettably, Bexley and Greenwich already have very congested roads. It was Greenwich council that approved plans for the bridge, but it does not affect that area in the same way as it affects Bexley. If the bridge is built, traffic will come through Bexley and there will be gridlock on our local roads. Clearly, the Thames Gateway project must deal with many problems relating to transport and traffic.

I pay tribute to some of the local people who are campaigning against the Thames Gateway bridge. Jacqui and Steve Wise have campaigned hard, as have Terry Grant and the St. Michael's residents association and Councillor Clement, leader of the Conservative group. They all support the development of the Thames Gateway as a regional regeneration project, but only if it will bring benefits to the whole area. We believe that, if the bridge goes ahead, considerable disadvantages for our local area will result.

We need more jobs, but how many new jobs will the Thames Gateway redevelopment project create south of the river? That question must be addressed. Many new jobs will be created in the north—we know that house prices are going up in Stratford on account of the Olympics and everyone is looking to invest there—but what about south of the river?

There are tremendous opportunities for development in the area. They are long overdue, and have bipartisan support. However, the consequences for south London, and for Bexley in particular, have not yet been addressed. I urge the Minister to do so.

2 pm

Andrew Mackinlay (Thurrock) (Lab): I begin by adding my congratulations to my hon. Friend the Member for North-East Derbyshire (Mrs. Engel), who made a cogent, comprehensive, confident and passionate maiden speech, which I enjoyed enormously. She is not in her place just now, but I look forward to hearing her speak again, and to her underlining her commitment to our common faith—socialism.

Along with my hon. Friend the Member for Basildon (Angela E. Smith), who is also Under-Secretary of State for Northern Ireland, I represent the area covered by the Thurrock Thames Gateway development corporation. The borough of Thurrock has the longest river frontage of all the riparian local authorities along the Thames. It has the last large working part of the port of London, and is already a major growth area. Rightly, the Government set up a development corporation exclusively for Thurrock. I welcome that good initiative, subject to one or two points of clarification and qualification that I shall raise a little later.

I represent the only part of the Thames Gateway with a development corporation that is in the Government's eastern region. I think that the Government may have to reconsider that. With the best will in the world, I cannot accept that Thurrock has any logical relationship with the—albeit important—cities of Cambridgeshire and Norwich. It is inextricably part and parcel of the wider London conurbation: London's motorway goes through the borough and, as I said earlier, we share a river with the capital. My constituents commute to London. They are often Londoners who moved east, who benefited from the innovative planning of Labour pioneers in the previous century. I am thinking of the Labour dockers who ran the Tilbury urban district council, and the Labour-run London county council of the 1920s and 1930s, which built so many of the local houses.

I do not want to embarrass my hon. Friend the Member for Basildon, who also represents the area. I get on extremely well with her, and do not want to speak for her or inflict guilt on her by association. However, I am sure that she would sign up to the broad thrust of my remarks. I welcome the establishment of the local development corporation, but a number of concerns have been raised by various well regarded organisations.

For example, the Campaign to Protect Rural England has drawn attention to some anxieties about flooding. As legislators, we have to strike a balance: we do not want to scare people, but we are obliged to secure a reassurance from the Government that flooding will not be a problem months or years down the road. If that were to happen, people might ask what their public representatives had been doing. The burden is on the Government to assure us that the flood defences are sound, and that the effect of any new or additional residential or commercial development in my area—or elsewhere along the river—has been taken fully into account.

Other hon. Members have alluded to the Gateway's environmental impact. A number of organisations—including the Royal Society for the Protection of Birds—constantly remind us of our responsibilities under the directives governing birds and habitats. They point to the critically important role played by the Thames flood plain and marshes in respect of bird migration, among other things. Such matters are very important, to this and future generations.

I am very sensitive about environmental matters. The hon. Member for Bexleyheath and Crayford (Mr. Evennett) raised legitimate questions about how the waste produced in his constituency would be got rid of. The same question bothers me deeply, as my area suffered exploitation throughout the 20th century at the hands of two very unwelcome industries—mineral and gravel extraction, and landfill. From the Terrace of the House, hon. Members can see barges heading for Thurrock, carrying London's waste to my constituency.

I hope that the Minister can reassure me about the destination of human and household waste resulting from growth to the east of London. Where will it go? If I have anything to do with it, it certainly is not coming to my patch. It is terrible that the landfill industry should continue to grow, and the problem of waste resulting from increased development is a pressing one.

The Minister who will reply to the debate is my hon. Friend the Under-Secretary of State, Office of the Deputy Prime Minister. Yesterday, I asked a question about Thurrock and the Thames Gateway, which was answered by my hon. Friend the Minister for Local Government. Today's debate was opened by my hon.

Friend the Minister for Housing and Planning, and I am genuinely confused: which Minister has responsibility for the Thurrock development corporation area? There is no clarity at the moment. In my area, there is some disappointment that the corporation should have been so slow to begin its work. Therefore I need to know which Minister I must turn to so as to ensure that action is taken in the future.

Although there has been significant and welcome growth in the Thurrock area in the past decade, it has been unplanned. As many hon. Members accept, residential development there is very necessary, but it is also important that there be commensurate growth in the local infrastructure. I am talking about roads and other forms of transport and communication, as well as the essential public services that must be delivered. We desperately need co-ordinated planning to ensure that there are enough hospitals, GPs and police to match the growth in residential and commercial development.

We must also make sure that schools with the appropriate capacity are built in the right places. One reason for my enthusiasm for the urban development corporation is that I believe that it can provide the planning that is so urgently needed. The lack of co-ordination in Thurrock to date means that schools are often in the wrong place. That causes parents a great deal of legitimate disappointment and frustration when they cannot get their children into schools near their homes.

It is claimed that we have joined-up Government in this country. Therefore I hope that my hon. Friend the Minister will tell my right hon. Friends the Home Secretary and Secretary of State for Health that any reorganisation of the police command units or of the primary care trusts should maintain coterminosity with Thurrock borough council and the development corporation. If there is any dilution of that, if the police command unit that currently covers Thurrock is extended to include Brentwood and Basildon, and if the PCT area is extended too, it will greatly diminish the capacity of those, particularly in the development corporation, to be energised and enthusiastic in focusing on creating a new and exciting environment in this part of the Thames Gateway.

I have indicated that I have some reservations and am disappointed about what has happened. The development corporation was set up by Parliament some time ago but has been enormously slow in getting under way. I do not want to rake over old coals; nor am I qualified probably to make a judgment. Sometimes people blame the Office of the Deputy Prime Minister and sometimes people blame Thurrock Thames Gateway development corporation. However, it has been enormously slow. Therefore I welcome the fact that, in the past few weeks, by statutory instrument, the development corporation has finally had its planning powers vested in it, and I understand that it now feels that it has the funding necessary for it to embark on its mission.

I ask the Minister to look at that matter. It has tested my patience considerably to find that, after Parliament set up the development corporation well over a year ago, there was, until recently, little to show for it. It is relevant because the development corporation was given a relatively short lifespan: seven years. I could not understand that at the time, because the West Northamptonshire urban development corporation, which was set up at about the same time, was given 10 years. Basically, there is little more than five years left.

It would greatly assist people like me, but more importantly, the Thurrock Thames Gateway development corporation, if the Government were to announce that its life expectancy was considerably longer. It is important that it be given more time, given that it will have to deal with land development and compulsory purchase orders, to attract the right staff to develop its mission of building the exciting area along the Thames Gateway, to collaborate with key partners and developers and to try to secure commercial development agreements and joint ventures. I hope that the Minister will draw that to the attention of his ministerial colleagues with some dispatch.

Michael Fabricant (Lichfield) (Con): In my experience, I have found that there is quite a variation in ability between various regional development agencies. Some are good, some are weaker. Is the hon. Gentleman finding that there is any conflict between the Thurrock development corporation and his regional development agency? If there is, does he think that the position can be improved, or do they work well in parallel?

Andrew Mackinlay: It is a timely intervention. In my notes, which I glance at from time to time, it says "plethora of bodies". That is a problem. There are so many agencies in the area with similar names. That confuses those of us who are very interested, so what bewilderment it causes to those who probably have less time to give to the matter, I do not know. It is enormously confusing.

I want the Minister to consider that matter. I say this not with levity but in all seriousness. When he leaves the debate, if he rings directory inquiries and asks for the Thames Gateway development corporation, the Thames Gateway London Partnership, or Thamesgate Regeneration, he is unlikely to get who he wants. There are so many bodies with that title. It is a problem.

I was deeply disappointed that my development corporation decided to call itself the Thurrock Thames Gateway development corporation, when there is a private consortium called Thamesgate Regeneration, which legitimately from its business point of view—I oppose its propositions and ambitions—seeks to develop in the green belt in Thurrock. I am opposed to it; I cannot put that in bigger capital letters. Sometimes I wish I could paint it on people's eyelids. Nevertheless, one can understand many of my constituents thinking that Thamesgate Regeneration is the same thing as the Thurrock Thames Gateway development corporation set up by the Deputy Prime Minister.

Many people think that the Deputy Prime Minister personally is going to build 18,500 houses in the green belt, which is precious to us in Thurrock, aided and abetted by the hon. Member for Thurrock, who will carry all the bricks in a hob. It is not going to happen if I have anything to do with it, but that is what people fear and one can understand the confusion.

It is a great pity that the ODPM did not take more interest in the title of the development corporation that covers my area. As an aside, I do not know why it was

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so frightened of calling these places "new towns", a title which does have some meaning. That conveys to people a concept—we are talking not just about houses but support services, infrastructure and transportation. The term "urban development corporation" does not convey much to people outside the chattering classes. It is history now, but it is a great pity that that was not dealt with. I want the Minister to make it clear, however, that the consortium that seeks to build in the green belt has absolutely no public endorsement. There is not even a planning application from it yet. However, I cannot over-emphasise—I am not over-egging the pudding—that people think that the two organisations, one private, the other set up by the Government, are one and the same thing and they assume therefore that we are going to breach our principle of jealously guarding the green belt.

I was therefore grateful yesterday to be called by the Speaker and to have the assurance, which is in the *Official Report*, that the Government stand by their commitment to the green belt. Indeed, they can do so because I understand that the agreed targets of all the various agencies, including the Conservative-controlled Thurrock borough council, is that Thurrock's contribution in terms of residential units is about 18,500 houses.

It is a fact that a third of those have already been built. Another 2,000 have planning permission. The reservoir of brownfield land and derelict land—it would be a good thing if it were cleaned and regenerated—in our borough can more than meet the target of providing the 8,000-plus additional houses that need to be built. Therefore, there is in Thurrock—it was reiterated by the Minister yesterday but I hope that the Minister present will do so again today—a presumption against building in the green belt because it is simply not necessary. Indeed it is desirable that brownfield land and derelict industrial land be brought back into good use, primarily, though not exclusively, for residential development. That is important.

I listened earlier to hon. Members' comments on housing. I welcome the change of mood and tone from Conservative Front Benchers about the matter. A few months ago, they were saying different things, but if we have some degree of ecumenism—I cannot pronounce that but hon. Members know what I mean—on the issue, that is to be welcomed. However, it is incumbent upon all politicians to address the question of how and where to meet legitimate housing need.

Sometimes I try to remind very good constituents of that. Like other hon. Members, I have lots of people—mums, dads and grandparents—coming to my surgery deeply concerned about their loved ones, probably a family who have just had their first child, and saying, "Where are they going to live?" Often, my constituents prudently and sensibly, as I would have done, purchased their council house. Somehow, however, they do not recognise that, when a unit of the housing stock is sold, it is not replaced the following morning. Some people think that almighty God must come down every morning and replenish the housing stock in nice areas without—it has one other great attribute—interfering with the visual or aural amenity of anyone else. We must tell people sensitively that we need new housing units. Such building can be on brownfield sites and derelict land that it would be useful to reclaim. People who already have homes cannot understand why their children and grandchildren cannot have homes, yet a few of them object to reasonable building proposals. We need to remind politicians, and sometimes our constituents, of the realities and facts of life.

Michael Fabricant: Does the hon. Gentleman agree that although there may be additional costs in building on brownfield sites compared with greenfield ones there are added advantages owing the regeneration of inner cities? Previously, they were depopulated and only a doughnut-like outer ring had a thriving economy.

Andrew Mackinlay: I wholly agree with that view. As I said earlier, I welcome the tone of the debate; I only wish that 600 other Members were here to listen to it. Although the House is not packed, I shall not delay it too long as I realise that other Members want to speak, but I want to make a few more points.

I welcomed the transfer from Thurrock borough council to the urban development corporation of planning powers for big developments—residential units of more than 50 dwellings, commercial developments of more than 2,000 sq m and developments close to the River Thames or the green belt—but I was disappointed that the corporation had no remit for design. All too often in my area, planners have paid insufficient attention to details such as facing materials and landscaping and design. We have both an opportunity and a challenge to ensure that residential and commercial buildings are at the cutting edge of attractiveness, modern design and functionality. Although that power has not been vested in the development corporation, I hope that the Minister will pump-prime through circulars and meetings, as there is an implicit obligation for both the development corporation, Thurrock borough council and other planning authorities to be sensitive and demand of developers that such things are not forgotten in their zeal to fulfil the wider mission.

Mention has been made of a Thames crossing. I do not want to trespass on the debate or disagreement that may exist in Bexley or the London borough of Greenwich. However, I am surprised that there has not been more discussion about a Thames crossing to the east of the Queen Elizabeth II bridge and the Dartford crossing, as it is so important to United Kingdom commerce. That may present difficulties to some Members, because there will always be some nimbys who will not want a new crossing. However, we must address the fact that the QEII-Dartford crossing is like a funnel, which can sometimes be blocked, not for hours but for days, at enormous cost and loss to business and commerce and to the frustration of people who are trying to get to schools or workplaces. It is madness not to address that problem.

Mr. Evennett: The hon. Gentleman's comments are opportune and interesting. Perhaps a bridge over the Blackwall tunnel should be considered, too.

Andrew Mackinlay: I am sure there is much in the hon. Gentleman's suggestion, but he must forgive me for not trespassing on that area. The immediate needs of

London—the area covered by the Greater London authority—should be addressed by people such as him, the GLA and the Mayor. My suggestion would not detract in any way from those discussions, but it is madness that all the business and commercial traffic from Scotland and the north of England is being funnelled through the QEII bridge and the Dartford crossing. Such crossings can be self-financing, as we know. It has always aggravated me that my constituents in south Essex and the hon. Gentleman's constituents in north Kent are paying through tolls for wider engineering works and road works to which everyone contributes. The QEII bridge has been more than paid for and in terms of revenue and funding has been enormously successful. There is no logical reason why there should not be a toll crossing to the east, probably at the eastern end of my borough, which would ensure that there is no paralysis when there is a fire or other major problem on the QEII-Dartford crossing and that commerce can continue. It would relieve pressure on the M25 and provide swifter communications to the channel ports, Medway and so on. I hope that the Government will address that matter with considerable dispatch.

I do not want to conclude my remarks without mentioning the Olympics. I remind the Minister that in Thurrock we are 20 minutes from Stratford by train, so Thurrock could be a place for some of the development opportunities—for example, for training and dormitories—arising from our successful bid, and I hope that my area will be selected as an ideal location.

Mr. Charles Walker (Broxbourne) (Con): I have only just come into the Chamber, but will the hon. Gentleman join me in welcoming the Olympics to London and in urging the Government to ensure that our waterways are clean and pristine when we show them off to the world? In Broxbourne, we have canoeing, yet sewage is still discharged into the Lea valley river during severe cloudbursts. Will the hon. Gentleman put pressure on his colleagues on the Treasury Bench to ensure that we have a pristine London for that great event?

Andrew Mackinlay *rose—*

Mr. Deputy Speaker: Order. My geography was never perfect, but I think we are getting a little bit away from the Thames Gateway.

Andrew Mackinlay: In any event, I am sure that the Minister heard the remarks of the hon. Member for Broxbourne (Mr. Walker). The Government want the games to be successful so I am sure that something will be done.

We shall not know for some days whether the BBC has taken an interest in this debate. I am considerably disappointed that the BBC in its various outlets shows a lack of interest in Thames Gateway issues. That is partly because the BBC's boundaries are somewhat confused, a problem somewhat aggravated by technological limitations, but as the BBC is currently contemplating renewal of its charter it should, through its various news outlets—radio, television and local broadcasting—address itself to such issues more than it does. There should be news-gathering, in terms of studios and professional staff, throughout the region; it should not merely be centred in Chelmsford and in Southend—important as Southend is. Other parts of the Thames Gateway could and should have news-gathering facilities. The BBC should pay attention to its output, which often relates to things that happen in London that have national importance rather than things that have a regional impact, and about which people have a right to know. Some of that criticism can also be directed at independent broadcasters. The BBC has a special obligation to be more sensitive to that point.

I am pleased that I caught your eye, Mr. Deputy Speaker, and that I have been able to flag up the interests of Thurrock in this debate, particularly given that geographically and in terms of expectation we probably have the most to contribute to the exciting mission of developing a place for quality living and employment to the east of London.

2.29 pm

James Brokenshire (Hornchurch) (Con): I am pleased that we have the opportunity to discuss the London Thames Gateway and the Thames Gateway generally. The House debated this issue in November last year, but there have been a number of developments since then, so it is great that we have the opportunity to revisit the matter and to put the Thames Gateway firmly at the centre of the political agenda. It is extremely important not only to the regeneration of the east of London, but, in a wider economic context, to the entire country.

My constituency is in the east of the London Thames Gateway area. I welcome the opportunity that the Thames Gateway offers to regenerate the south Havering area, not only in terms of housing but with a heavy emphasis on industry, employment opportunities and business. The key issue is to ensure that residents of east London and Essex have the ability to take advantage of those opportunities and that they are not passed to others elsewhere in the country or beyond.

It is important that local residents are actively engaged in debate on the Thames Gateway agenda and in the process involved. I recognise the need for urban development corporations, but I have some concerns that they will distance the debate from local people and hamper their ability to be involved in strategic decisions, particularly in the planning arena.

Sarah Teather: I wholly agree with the hon. Gentleman. It is a great disappointment that the role of local authorities is being marginalised. Does he agree that as elected bodies, local authorities should play a much greater part, particularly in defining the location for new housing and the kind of development that there should be? It is disappointing that the UDCs are not elected and are therefore completely unaccountable.

James Brokenshire: I welcome the hon. Lady's comments; she makes a valid point about accountability. There are concerns about allowing people to feel that they are actively engaged in the process, and I feel that that is not happening at the moment. The hon. Member for Thurrock (Andrew Mackinlay) highlighted the confusion caused by the proliferation of organisations. It is feared that the UDCs might talk to primary care trusts, the Local

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Government Association and all the other governing organisations, but not directly to the people. We want to ensure that the voice of local people is heard.

Various residents' groups are being set up in Rainham in my constituency. The Adamsgate action group is most concerned about overdevelopment and the future of the area. We must listen carefully to those voices, particularly given that UDCs have planning power over matters such as waste, which the hon. Member for Thurrock mentioned, and electricity generation. We are considering greater environmental treatment of waste and waste-to-energy projects, and it seems that the UDCs will be making direct decisions on such issues.

My constituency, like that of the hon. Gentleman's, has significant waste facilities. We have a landfill site and there are proposals for waste-to-energy plants. Local residents are greatly concerned about the long-term implications of those proposals. There are plans to turn the landfill site into a country park and to open up the Thames river frontage, which is fantastic and part of the Thames Gateway vision. I do not want to discover in a few years' time that that vision has been stultified or blocked because it is felt that the site is needed for waste treatment. We must take advantage of the environmental benefits that would be brought about by opening up the river frontage. Most people would probably not even realise that my constituency led down to the Thames, because there is simply not enough access. I therefore very much welcome the opportunity that the Thames Gateway will bring to give the space back to the public and allow them access to the river. I know from a recent visit to the Cleanaway landfill site that, if one can hold one's nose, the view towards the constituency of the hon. Member for Thurrock is breathtaking. The sooner that site is turned over to public open space that people can enjoy, the better.

We also have a superb resource in the Royal Society for the Protection of Birds nature reserve. People do not necessarily take full account of such resources in considering what the Thames Gateway is all about. Great emphasis is put on housing and business, to which I shall refer in due course, but the environmental aspects are also key. Once the RSPB nature reserve is open, the communities of east London and Essex will benefit tremendously, in terms not only of appreciation of the sites but of education, health and well-being, as people will be encouraged to go out, walk and make the most of the facilities. Such hidden benefits need to be considered.

Bob Spink: Has my hon. Friend seen the RSPB document that talks about "Greening the Gateway", protecting biodiversity and green space and improving flood risk management? Neither the RSPB nor he believes that those can be achieved by building on that green space, however, which is what the Thames Gateway plans to do in my constituency.

James Brokenshire: My hon. Friend makes a valid point about protecting resources for flood defence. We have touched on that issue more widely in terms of flood risk, and I am sure that we will return to the matter in future debates.

As well as environmental benefits, there are opportunities for leisure, and we need to examine how to use the space sympathetically. It is important that my constituency does not have just housing, housing, housing and big blocks of flats. Neither my constituents nor those of the other hon. Members affected—on both sides of the House—would want such a vision. That relates to my initial comments about ensuring that the voices of local people are heard loud and clear. In Rainham in my constituency, there is an important opportunity to ensure that leisure is at the forefront of what is going on.

Business, and generating jobs, is a key aspect of the Thames Gateway regeneration. In my constituency, the Centre for Engineering and Manufacturing Excellence is adjacent to the Ford Dagenham plant. I note that the hon. Member for Dagenham (Jon Cruddas) is in the Chamber and I am sure that he will speak about the issue in much greater detail. It is important to note, however, that Ford has invested heavily in the Dagenham plant, and that it will build one in four diesel engines there. We cannot ignore the need for manufacturing and highly skilled jobs in the Thames Gateway if we are to give the next generation a real opportunity for work, ensuring that the British economy does not lose out to other areas in Europe and elsewhere.

To my mind, the key is ensuring that local people are able to benefit. I noted the comments of the Campaign to Protect Rural England about educational attainment and employment skills:

> "In the London Thames Gateway, progress in meeting national learning targets lags behind that of other parts of London and employers have reported particular problems when recruiting for positions requiring 'higher-level' technical and/or managerial skills. This is a self-reinforcing situation that is clearly a disincentive for employers to locate or expand in the Thames Gateway".

That is not helpful, and it is one reason why I intervened on the Minister for Housing and Planning. We must ensure that we focus on a wide range of skills, so that we can exploit the opportunities, encourage business to come to the area and make the most of the opportunities that, I hope, the Thames Gateway will present. There must be that investment in people.

We have touched on investment in infrastructure. The hon. Member for Brent, East (Sarah Teather) mentioned the long shopping list of things that are needed to enable effective regeneration. Certainly, from a local perspective, I welcome the investment that has already taken place in my constituency to provide funding for Rainham railway station and ensure that train lengths are expanded ultimately to 12 coaches, so that we can transit people to London, but we need more than that if the proposal is to be effective locally.

We need to sort out the DLR link to Rainham and ensure that the east London transit scheme is prioritised, so that we have the transport infrastructure links to get people in and out of London and to gain access to Canary Wharf and other such areas. I met representatives from Canary Wharf only recently, and they emphasised their concern that if no transit was available from areas such as mine to Canary Wharf, the creation of jobs in that area could be inhibited. Thus the infrastructure issue is key, and transport is a central aspect of it.

As hon. Members will appreciate, such infrastructure comes at a cost. I noted the Minister's comments about the £6 billion that was announced earlier in the year. Certainly, it would be interesting to hear more detail about the timing and the commitments that have been made. I was also interested to hear those comments in the context of the Olympics, which represent a tremendous opportunity for London and all the surrounding areas. My only concern is that the Olympics will take attention away from other areas in the Thames Gateway. We cannot ignore areas such as mine if we are to harness real opportunities there.

I am concerned that money could be funnelled into the Olympics alone, which would have an adverse impact, as no regeneration would take place in my constituency and those of the hon. Members for Dagenham and for Thurrock, who are nodding. It is important that we do not lose out, that we ensure that money is not diverted just to the Olympics and that a focus is retained on the Thames Gateway.

Another aspect of the Olympics is relocation: a number of businesses in the Olympics area will need to be relocated. That needs to be thought about carefully to ensure that we achieve balanced development with a balanced master plan throughout the Thames Gateway, so that certain areas do not have low-grade uses. A strategic thought process must be applied to the relocation of those businesses, and I hope that the Minister will take that on board in his comments at the end of the debate.

The investment that is now coming into adjoining areas is important. I want to ensure that my borough of Havering is given the best chance to leverage in the opportunities that the Olympics will provide. That is why investment in infrastructure sooner rather than later is crucial in ensuring that areas such as mine can make the most of the Olympics and take advantage of them.

Much of this debate is centred on ensuring that we get the right mix and balance of housing. I am still worried that the Government's approach might be too rigid and that too much focus is put on the need for numbers of houses, rather than thinking about the impact of such housing on communities and areas. That is important on several levels, and housing density is obviously a key issue. What is appropriate for one area might not be appropriate for another, so when this matter is considered, I hope that a straight ruler line will not be drawn to say that what works in one area will work in another, with development densities being driven by that. The system needs to be more sophisticated so that we can ensure that any development is sympathetic to the areas in which it takes place.

I fear that planning policies, such as the sustainable communities plan and the London plan, and Housing Corporation funding are pushing us far too much towards one and two-bedroom flats and houses. We must take a broader view, especially when considering affordable housing. The lack of affordable housing stock with three or four bedrooms causes significant challenges. Despite my short time in the House, I already have a long list of people who have come to me for help because their one or two-bedroom flat is simply not big enough for them and their three kids. I fear that the problem is not being addressed properly or carefully.

Two fifths of the demand in the London borough of Havering is for family-sized accommodation with three or four bedrooms. The traditional Housing Corporation method of funding has unfortunately led to a tendency towards one and two-bedroom houses and flats. Although I recognise that there has been a change in housing allocations and applications for the period between 2006 and 2008 as an attempt to move away from that situation, in practice my area is still receiving applications for one or two-bedroom properties, which will not create greater flexibility to offer family housing.

I am sure that my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett) will be pleased that he is not in the Chamber as I mention the phrases "sub-regional agenda" and "sub-regional housing allocations"—I apologise to him. The Housing Corporation normally gives funding on the basis that only 25 per cent. of new homes are allocated to their host borough, with the remainder allocated sub-regionally. That might be all well and good when considering the Thames Gateway area, but most people who are looking for housing want that to be in the area in which they are living. That factor must be considered.

The plans that I have seen show that large housing growth is proposed for my south Havering area, which will mean that many people who currently live outside our area will move in. There is a risk that that will create local tension and put pressure on local government finance, so the matter will need to be examined carefully if we are to achieve the social cohesion and real sense of community to which hon. Members on both sides of the House aspire.

An emphasis on housing can skew the debate, so I am pleased that several of the contributions made by hon. Members on both sides of the debate have stressed the importance of other issues and shown that we should not consider only housing. We must ensure that we do not end up with the problems that we have had in the past, certainly in my constituency. Rainham has, not to put too fine a point on it, been dumped on for far too long. It is important for the engagement process I talked about at the start of my speech that people do not feel dumped on and that this really is about regeneration and improving lives in the local community. There is a tremendous opportunity in the Thames Gateway.

In some ways I do not want to create sustainable communities; I want to create vibrant communities. I want to create a strong sense of social cohesion, with a dynamic employment market providing significant employment opportunities—new jobs for the next generation—and places to live in of which we can all be proud. The phrase "sustainable communities" does not really encapsulate the vision that we need. That vision can be fulfilled only by making the right decisions now.

There will be tough decisions, and the Government will have to be brave to follow this through. They will need to show great determination. I hope, for my constituents and the people in the surrounding areas of east London and Essex, that the Government are up to that challenge.

2.51 pm

Jon Cruddas (Dagenham) (Lab): I am pleased to follow the hon. Member for Hornchurch (James Brokenshire), who made a thoughtful contribution. I agreed with a

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whole swathe of the content, which makes me feel slightly uncomfortable. I am absolutely with him on the demand for social housing, for example. I welcome the Government-inspired investment in diesel technology and the investment by the Ford motor company on its estate, which four or five years ago was facing closure. We are now looking to create a robust centre for diesel engine technology, with many jobs, which will make one in four of the world's diesel engines.

I welcome, too, the hon. Gentleman's comments about ensuring that we have the transmission belt of infrastructure investment so that our communities can benefit from job generation sites, be they in Canary Wharf or other parts of the Thames Gateway. That will help to ensure that we overcome some of the problems of past regeneration that have precluded local people benefiting.

I have a slightly different take on the debate from the hon. Gentleman, but it does fit in with some of his comments about local community involvement in Thames Gateway regeneration and the key issue of sustainability. I will use the term "sustainability", although it is a bit of a misnomer when used in communities such as mine. At the moment, I do not have a sustainable community. A lot of the language and strategy deployed in the national debate at Westminster about the Thames Gateway is completely at odds with our local experience. We have a raw, difficult and brittle social and political formation and some issues need to be debated; otherwise, the Gateway will be seen as something that is done to people. People will have these changes deposited on them, to the detriment of their material circumstances, rather than being central to the future possibilities.

I speak as someone who has always been very keen on the Thames Gateway. I was involved with it before I came to the House and I have always been a proud advocate of many of the possibilities that it will create. The Mayor of London has a creative approach to it, encapsulated in the Mayor's plan, in which he tries to deal with poverty, under-investment, neglect, race, class and imbalances in the city by focusing on economic development to the east. I warmly welcome that, not least because it is a way of handling changes in the city over the next 10 to 15 years. We all know about some of the estimates for the future, such as the extra 850,000 people and the like. The only way to deal with those is to rebalance the city eastwards.

Having said all that, I shall come at the subject from a slightly different direction today. I was slightly late for the Minister's introductory remarks because I was at the Queen Elizabeth II conference centre at the launch of a document, "The Far Right in London: a challenge for local democracy?", published by the Joseph Rowntree Reform Trust. This marks an interesting staging post in the debate about sustainable communities in east London, not least because it tracks empirically the growth of voting for the BNP over the past few years in communities to the east of London. It also looks at some of the issues involved through effective and rigorous qualitative techniques and focus group research in my own community in Dagenham and east London.

We must consider the issues thrown up in the debate about future economic regeneration. Our local political experience is at odds with the way in which the debate is calibrated in central London, partly because of the dynamics of political parties at Westminster. At the recent Liberal Democrat conference, young, lean and hungry men and women urged the party to take the centre ground and nudged their leader accordingly. Conservative Members are voting today on the trajectory that their party should take. The leading contender is urging a recalibration of Conservative politics towards the centre ground. The three political parties are focusing on a select area of the political map, with tactics hinging on swing voters in a few marginal constituencies. Accordingly, there is an ever more scientific analysis of swing voters' preferences and prejudices. Arguably, that serves to disfranchise many voters in communities such as mine. That makes party and policy renewal difficult for the Government, because the gearing of the electoral system serves to create a political strategy that compounds the problems experienced in our local communities.

I want to expand that argument with reference to three issues, starting with population movements and the quantitative resource allocation of public expenditure. London has a population of 7.4 million. The Government have recently acknowledged, on the basis of surveys and responses, that there are a minimum of 570,000 illegal migrants in Great Britain. That does not include dependants, so we must assume that the true figure is much greater. This morning, urban geographers said that the vast majority of those people live in London, but they are off the radar of public policy makers because, by definition, they are illegal. In addition, the National Audit Office has estimated that there are 290,000 failed asylum seekers in the system, so there are hundreds of thousands of people in the city who do not appear on the radar of public policy making. Those people are not living in Kensington, because they gravitate to the areas of the city with the lowest-cost housing market. Dagenham has the lowest-cost housing market in Greater London and exerts a magnetic pull on people moving into and within the city that has been increased by the massive hike in London property prices over the past five or six years. It offers low-cost housing and, as a result of the right to buy, has a much greater private housing market.

There has therefore been an extraordinary transformation in the community over the past few years in both size and heterogeneousness. A great deal of that transformation, however, is not captured on the formal statistic baseline because it is illegal. The rapid change and growth of the community collides with a long-term legacy of poverty, under-investment and neglect in the financing of public services. The collision between the rate of change in the past few years and the legacy of under-investment is creating a scenario in which the British National party can organise and become active in our local community. Quantitative resource allocation is critical for Dagenham, as we are a unique depository for a great deal of population movement into and within the city. A second important factor, however, is the policy formation strategies of political parties, which are driven by the preferences of swing voters in marginal seats and may compound our problems as local policy priorities are at odds with those of the middle England swing voter.

That brings us back to the social housing issue. I cannot understand why it is not the dominant political issue in this country. It is the dominant political issue in my community, by a country mile. We have ever-expanding social housing allocation and transfer lists. As a consequence of modern decent homes standards, we are pulling down high-rises and decanting hundreds of families, thereby reducing the stock. The right to buy continues remorselessly, reducing the stock further. There are no new council housing units. We scramble around to get new partnerships to maintain nomination rights for us locally, but it is an almighty struggle, not least because of the reform of local authority social housing grant over the past couple of years.

Through the cumulative effect of those factors, housing becomes the dominant issue and, for much of my community, the psychological link between their material circumstances, the changing community, issues of colour, race and the consumption of public services, and fascist or far right political activity. Unless we unblock the linkage between housing and the consumption of public services in poor communities, we will fail to resolve the material issues that are creating such an environment.

Public policy makers work on certain lagged indicators of population movement or growth. Those do not include migrant labour or illegal migrant workers who move into low-cost housing areas. They do not even include the recent rate of change because they are based on out-of-date statistical data. We cannot even tread water through incremental investment in public services because the community is expanding so much faster than the incremental investment, which compounds and intensifies the problems of the consumption of public services, so people see migration as pivotal to the decline of their own relative social wage. They therefore join the dots and see the migrant as affecting their own economic and material circumstances and those of their family and community. That creates the perfect setting for the BNP.

The third element in the role of public policy makers and Governments is the pretty wretched process by which, because of the political imperatives of middle England, we must seek to neutralise or, in the code, triangulate around difficult political territory. That brings us back to race, asylum, migration and immigration—witness the appalling way those were handled at the last general election. That is a generic problem for all political parties; I am not singling out any in particular.

The problem is that we use the language of restriction when we talk about migration, asylum and immigration, which is at odds with our economic strategy, which is a more instrumental one aimed, first, at creating lower wage labour market flexibility, secondly, at creating the labour to rebuild our public services, and thirdly, at filling future skill shortages and demand for labour. Accordingly, there is a collision between the language that we use and the economics driving our domestic strategy for public services and labour market policy. That in turn compounds the problems in communities such as mine, which are trying to navigate through the great changes occurring within and around them.

Cumulatively, that creates a difficult political formation for us because of the quantitative issue of resource allocation, the public policy priorities locally, which are at odds with those of national Government—

James Brokenshire: On skills, I acknowledge the point that the hon. Gentleman is making about migration, but it is essential that there is the necessary investment in training and skills to ensure that that is not another reason for the social and community tensions that he describes.

Jon Cruddas: I agree. If we want to confront these difficult issues and take the heat out of the situation that is producing the phenomenon of a durable far right political project in east London and beyond—the phenomenon is transportable to other areas of the country that were traditional working class communities suffering from ongoing deindustrialisation over decades—we must examine how we use often illegal migrant labour and the relationship with skills formation across the community. Issues of race, asylum and immigration should be dealt with not in an increasingly muscular bidding war about the number of migrants, but through an economic discussion of the future demand for labour, how that can be anticipated and how much foreign labour needs to be sucked in. In turn, the tacit use of illegal migrant workers should not occur. Instead, we should build from a departure point of rights for all workers, rather than placing restraints on numbers. The debate about race, immigration, asylum and labour markets should be reconfigured from the departure point of the rights of the individual worker.

I refer hon. Members to a recent Institute of Employment Rights book, "Labour Migration and Employment Rights", which does public policy making in this country a great service by taking on such difficult political terrain and offering initiatives to reconfigure the debate and take out the toxic element of race.

I am a great supporter of the Thames Gateway agenda. We always seem to debate projected movements of people—for example, 850,000 people in 2015. We rule off the baseline of public policy making on the question of illegal migrants—700,000 to 800,000 people could gravitate to this city's poorest areas—in a fairly static way, rather than seeing public policy making alongside the dynamic at work in London, which is a relentless, vibrant world city. We tend to see the Thames Gateway as a static future model of population movement, based on the assumption that a city such as Leeds will move down into east London at some point in the future. The movement is already under way and the engine is already driving the process. Unfortunately, the engine consists of those people who are often most excluded in terms of public policy making, and they are often invisible in our debates. However, they are not invisible to people in my community, who regard them as central to their own material circumstances.

As ever, I welcome the debate, which is complicated by the different public policy issues. I am deeply concerned that rather than discussing sustainable local communities, we are trying to navigate difficult terrain. For example, the BNP has averaged 35 per cent. in the

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five most recent council elections in my borough. That is not a one-off protest; that is a profound and durable form of far right political activity.

We got off lightly at the general election. In the constituency next to mine, Barking, the BNP got only 16.9 per cent., but one week before polling day we thought that it would get more than 25 per cent. Indeed, BNP research suggested returns in five wards in that constituency of between 48 and 52 per cent. I know that the Government are aware that that is a massive issue in terms of community cohesion, and their ideas on how to grapple with it are creative, not least because ODPM Ministers know a lot about east London—the Under-Secretary has a long history of working in the area, and the two PPSs, my hon. Friends the Members for Gillingham (Paul Clark) and for Ipswich (Chris Mole), are also knowledgeable. I urge them to be more creative about the question of race, migration and numbers, and about resource allocation to those communities that are arguably most in need of a Labour Government.

3.9 pm

Mr. David Amess (Southend, West) (Con): I apologise to the House for not being present throughout our proceedings; I have been attending Baroness Blatch's memorial service and invigilating the extraordinarily exciting Conservative party leadership contest.

My interest in the debate is real. I am a relatively poor Conservative Member: I own only two properties—one in the Isle of Dogs and one in Southend, West.

Andrew Mackinlay: The hon. Gentleman is not Chairman of a Committee, is he?

Mr. Amess: The hon. Gentleman tempts me, but I shall not comment on his sedentary intervention.

I am sure that the Under-Secretary will correct me if I am wrong, but I think that one of my properties is at the start of the Thames Gateway and the other is at the end. But my interest in the area goes much further. I was born in Plaistow, many of my relatives still live in Newham, and my heart belongs to London.

One of the greatest achievements of the Conservative Government was the regeneration of the east end of London in the '80s and '90s. I get a tremendous buzz from what has been achieved in docklands. It is remarkable and exciting, and it was a tremendous achievement. I recall as if it were yesterday going with a group of then colleagues to a barren warehouse that was described as being where London City airport would be. I thought that such an engineering feat was impossible and wondered, "My goodness, how are the local residents going to put up with aeroplanes landing and taking off in the middle of the east end?" But it happened, and it has been a tremendous success. As I said to the noble Baroness last week at her 80th birthday party, it was certainly one of her finest achievements.

I feel very uncomfortable with much of the modern language that we use. I hate the jargon, and I have cringed a little at what I have already heard. I do not know who thought up the expression, "Thames Gateway", but I do not like it. The River Thames is beautiful. When I do my tours round the House of Commons, I say that it is cleaner than the Seine and the Rhine, and it would not be hard to be cleaner than the Nile. It is a very beautiful river and we should be proud of it.

In my constituency, unlike those of any number of my colleagues, housing is not an issue, because there is no room to build. The only way in which one could build new houses in Southend, West would be by knocking down an old property and replacing it. In some parts of Essex, though, if one is not walking quickly one will be built on—either that or someone will stick a mobile phone mast on one's head. In many respects, there is an obsession with building in Essex. I have huge sympathy with many of my colleagues who are worried about the overdevelopment, as they see it, of their constituencies. When, many moons ago, I was Member of Parliament for Basildon, we had the London Development Corporation and the Commission for New Towns, and I saw at first hand how we benefited tremendously from those two organisations.

As the Minister knows, there is no such thing as a free lunch and no such thing as a free debate, and I am unashamedly participating in this debate to ask for his help. I am grateful for all the assistance that we have been given by Thames Gateway so far. Again, it seems only yesterday that Mary Spence came to see me at one of my surgeries when the vehicle was being set up and did not have a great deal of money or clout, and I listened carefully to what she said. I congratulate her and her staff on what they have achieved so far.

The Minister for Local Government has already been tremendously helpful to Southend, and I have every intention of persuading the Under-Secretary to join his colleague in being helpful.

I was thrilled that we won the bid for the Olympic games. My God, I wish I had been at the meal with Putin and Chirac. One could imagine their faces. I did not believe that we would get the games, but I am thrilled that we did. I agreed with everything that my hon. Friend the Member for Hornchurch (James Brokenshire) said about the Olympic games in his magnificent speech. I am determined that Southend will be at their heart. As hon. Members might expect, I shall mention not only the cliff slippage but Southend pier later. The Olympic games provide a marvellous opportunity for local communities not only to get involved but to become motivated about sport and experience the lasting regeneration of their landscape.

Thames Gateway South Essex partnership—here I go into the jargon—pledged its commitment to support the 2012 Olympics in July 2005 and published its proposals to offer preparation camp facilities for the athletes in the run-up to the games. Southend is a unitary authority and we have already held some good meetings with the leader of Essex county council. I hope that Southend will be included in Essex's bid to host some of the sportswomen and sportsmen. There is already good access to Southend from London Southend and Stansted airports as well as two mainline rail links to Stansted and a proposed additional airport-rail link, which I shall discuss shortly.

I perceive the project as not only supporting the Olympians and Paralympians who will stay in Southend in 2012. I believe that the investment must be carefully

targeted so that it leaves an infrastructural legacy of sporting, leisure and transport facilities, from which future generations can benefit long after the closing ceremony of the games in 2012.

If the Under-Secretary has no time to reply, perhaps he will write to me, but Southend council is keen to learn from the Government whether additional funding of private finance initiative credits will be available to support the development of sporting and cultural facilities in the Gateway. We have our particular hobby horse in Southend—the replacement of Warriors swim centre, which once produced Anita Lonsborough. It is embarrassing because I have forgotten the name, but Southend had a famous diver—

Derek Wyatt (Sittingbourne and Sheppey) (Lab): Brian Phelps.

Mr. Amess: The hon. Gentleman, who was educated in a Southend school, remembers better than I do. The local authority is keen for the Government to support its plans to rebuild our swimming pool.

Southend borough council's main goal throughout the development period is to create:

"A town by the sea where people want to live, work and play—a 21st Century urban seaside resort and regional cultural capital."

Although the hon. Member for Thurrock is an advocate of old Leigh, we do not have as many day trippers as formerly, so we are trying to reposition ourselves in the market. I must now go on to more "speak".

The draft regional spatial strategy for the east of England introduces specific guidance for the Thames Gateway South Essex sub-region to deliver regeneration in a manner specific to the needs and requirements of the local area. The prioritised requirements are to achieve employment-led regeneration, wealth creation and growth with improvements to transport infrastructure. It is hoped that that can be achieved by working in partnership with the Thames Gateway at other levels and by retaining an emphasis on local "Zones of Change and Influence" to allocate resources where they are most needed in line with the regional economic strategy prepared by the East of England Development Agency. That means, in short, "If there is any money going, Southend would like some of it to do what the council says".

The Southend local strategic partnership has prepared a "Southend Together" community plan for the borough, developed in association with the Thames Gateway South Essex partnership to form a core strategy and framework that is currently undergoing a period of public consultation in Southend. We are inviting local residents to give their views on the proposed strategies for economic development in the region. I should point out to the Minister, however, that economic development is, as ever, a double-edged sword.

The planned multi-million-pound expansion of Southend airport in time for the 2012 Olympics would include a new terminal and railway station in the constituency of my hon. Friend the Member for Rochford and Southend, East (James Duddridge). It would be built at the Rochford site, and would be linked directly to London. I am advised by the council, however, that the plans may be under threat if proposals to build a car park on green belt land are rejected. I will not bore the House with the criteria for green belt, as it might prove embarrassing. John Allen is the director of planning at the London Thames Gateway development corporation. Whatever view he and his colleagues take, I ask them to think carefully about the regeneration projects being undertaken by the corporation.

I am not alone in highlighting the serious environmental issues facing the Thames Gateway. The London Assembly recently warned that the area was at high risk of flooding, and that should the defences fail we would incur a natural and humanitarian disaster on the scale of the one in New Orleans. The main worry seems to be over who is responsible for maintaining the defences. Surely we should not be embarking on a large-scale expansion of residential and business premises while the stability of flood defences is still unknown.

The Government are calling all the shots. Although my party lost the general election, however, we are not sulking; we are embracing all the Government's initiatives. I must therefore tell the Minister that I am here, unashamedly, with a begging bowl.

English Heritage rightly points out that, contrary to popular perceptions, the Thames Gateway boasts a number of rich historic sites, from the Tilbury fort—where Queen Elizabeth I delivered her rallying speech to the Navy before it defeated the Spanish Armada in 1588—to four of England's six historical naval dockyards. To that list I would add Southend pier.

The Minister and I were once joint chairmen of the all-party fire and safety group. Let me tell the Minister of my experience. We live fairly near the pier, and when my wife woke me saying "Goodness, there is a strong smell of burning", I panicked—for all the right reasons. When I eventually went down to the pier, I could not believe that we had suffered the same disaster for the third time. When I was taken to see the damage, I recognised about half a building that had been at the end of the pier. It is truly upsetting to see the damage: when one reaches the end of the railway, that is it. The station, the pub and the fish and chip shop are no longer there. The end of the pier remains, at which the magnificent sea rescue service is located, but the bit in between is missing.

Southend pier is a very famous pier; in fact, it is the longest in the world. I would like Southend to host one or two sporting activities during the 2012 Olympic games, and although there are plans to use the London Eye for the associated celebrations, I am sure that the pier, which is something to be proud of, could also play a part. The leader of Southend council has the full support of myself, my hon. Friend the Member for Rochford and Southend, East, and Mr. Geoffrey Van Orden—one of our European MEPs—in consulting local partners on the pier's reconstruction, so that we can restore it to its former Victorian splendour.

The Office of the Deputy Prime Minister is keen to revitalise the region via modernisation, but that ought not to be done at the expense of popular and historic

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landmarks such as Southend pier. When it is restored, it will be a source of continuing pride and enjoyment for the Thames Gateway region.

Bob Spink: My constituents also have an interest in this wonderful edifice, so will my hon. Friend add my name to his list of supporters?

Mr. Amess: I thank my hon. Friend for his support.

I want to take this opportunity to pay tribute to members of the fire service. They worked throughout the night, and how they saved as much of the pier as they did, I do not know. They did a fantastic job, and had they not acted so quickly and worked such long hours, the damage would have been much worse. Some people might say, "It's only a pier, David, for God's sake get a life!", but it has given tremendous pleasure to the elderly—never mind the young and middle aged. The elderly do not travel the pier's mile-and-a-half length on their zimmer frames; they use electric wheelchairs, or the pier train. Eating their fish and chips in the middle of the Thames estuary gives them one hell of a buzz, so I ask the Minister to do what he can to support Southend pier.

The Minister will know that Southend's local authority is also very keen to have a regional casino. I shall not get too far into that argument this afternoon, but I should point out that at my party's conference in Blackpool two weeks ago various people told me that a casino would be located there. Perhaps the Minister will pass on the message that it would be jolly useful to have some clarity on this issue. Will there be just one casino? If so, that should be the end of the matter. We do not want local authorities to waste huge amounts of time and money employing consultants, if they have not a cat in hell's chance of getting a regional casino.

As a fellow West Ham United supporter, I offer my final bribe to the Minister. Southend United are top of league one and West Ham are doing much better than we perhaps anticipated. The icing on the cake would be if the Minister chose to use today's winding-up speech to announce that he will give Southend council some £50 million to help rebuild the pier.

3.29 pm

Clive Efford (Eltham) (Lab): When I entered the Chamber today to participate in this debate, I did not expect to be taken on a tour of North-East Derbyshire. However, I congratulate my hon. Friend the Member for North-East Derbyshire (Mrs. Engel) on her maiden speech, and on taking us as far as Skinner's junction—another place that I never knew existed. So I have learned something, and I look forward to working with her as a comrade and colleague.

Thames Gateway is changing east London for the better; indeed, enormous and rapid change is taking place. Depending on whom we talk to or whom we get the figures from, it appears that 150,000 to 200,000 homes will be built. Already, my borough has seen an enormous growth in the local population. People are starting to talk about what is happening to our public services and the demands made of our local health service, local schools, local police and so forth. I know from talking to my constituents that those issues are being discussed. We need to set out clearly our proposals for meeting the needs of the new population in the Thames Gateway area.

Jobs are important. Depending on where one acquires the statistics, between 120,000 and 150,000 jobs will be created in the Thames Gateway area. Hon. Members whose constituencies are close to the area, but are not necessarily part of it, ask the same question as I have consistently raised in debates on regeneration programmes: how do we ensure that the benefits reach the wider community? Transport infrastructure is particularly important because it allows the wider community to access the Thames Gateway regeneration and benefit from the economic activity that it stimulates.

I want to mention the peninsula at north Greenwich, which saw the grand opening of the Jubilee line five years ago. One can now leave the dome on the peninsula and get to St. John's Wood more quickly than to my constituency, which is in the same borough as the dome.

There has been a serious planning failure in what I call the second phase of development of transport infrastructure. We have not thought enough about how we feed into the new transport hubs that we are creating, which is so important for the wider community's ability to access the benefits. When I spoke previously about the need to improve transport links in south-east London, I referred to young people in my constituency who want to go to the cinema in north Greenwich. It is a three quarters of an hour bus ride away—a large chunk out of a young person's day, especially when he has to use public transport to travel there and back—and represents a serious block on those young people accessing that service. We need to pay more attention to ensuring that these schemes properly link up to the wider community, and we need to take all sections of the community into account.

I would be failing my constituents if I did not raise the issue of Crossrail. It is essential for London and will generate about 40 per cent. of the total anticipated capacity needs for transport across London. It is expected to carry about 250,000 people during peak times such as the morning rush hour and will be essential for linking east London with the more prosperous west and with Heathrow and beyond in the future.

As the Minister will be aware, there are currently no proposals for establishing a station at Woolwich, yet Woolwich is a major transport hub for south-east London. It is the nearest place at which my constituents could access the Crossrail service. The current proposal is that it will not stop anywhere between the Isle of Dogs and Abbey Wood—a six-mile stretch of Crossrail. There is no similar stretch without a station in between and it bypasses one of our major town centres.

This may sound like a whinge—it is a whinge!—but I have to say that if we were talking about west London, bypassing a town centre in that way would not be contemplated. In previous debates on infrastructure projects, I have referred to other examples such as the Hammersmith and City line. Someone who suggested that that line should bypass Hammersmith, Broadway—a transport hub with bus and other links to west London—and stop instead at Ravenscourt Park down the road would have been laughed out of court.

Yet that is exactly what is being proposed, even though Woolwich in south-east London is already a big transport hub.

The transport links that I have described are even more essential when one considers that my area does not have access to the tube network or to the docklands light railway. The DLR will reach Woolwich in the next five or six years, but the wider community will still suffer from a lack of direct access to public transport. That makes the development of a local transport hub even more essential, so that people can access all the different modes of transport. In that way, we can encourage the use of public transport and go some way towards dealing with the growing demand for road space in south-east London.

That demand will only be exacerbated by the current rate of development. We must consider how we address some of the current problems in my constituency, which is located at the confluence of the A2 and the A20. There are enormous traffic congestion problems there, and improved transport links are absolutely vital. To that end, we must develop the transport hub at Woolwich.

I went to Stratford this week, to see the preparations for the 2012 Olympics. Since my previous visit, enormous progress has been made in extending the DLR. It now reaches the edge of the Thames, and the next phase of development will take it across the river and into Woolwich town centre. The hope is that the line will open some time in 2008–09.

I want however to make sure that the development benefits the wider community. We must consider where the DLR will go next, and there is an argument that the line should move away from the river and take in communities such as my constituency in Eltham. In that way, people there will be able to benefit from the new transport infrastructure links being built.

Hitherto, the traditional routes that people take to and from work have resembled the spokes of a wheel, with people living on London's outskirts using the rail or tube networks to reach their places of employment in the centre of the capital. However, with the development of the east Thames corridor and growing demand to access the Thames Gateway, more people in my constituency will want to travel north and east. Therefore, links such as the DLR, which will head south from the river towards my area, will be vital. That is another reason why it is so important to establish the Crossrail transport hub at Woolwich that I spoke about earlier.

I must tell the House that I was very impressed by what I saw at Stratford on my visit this week. The members of the Olympic committee must have heard our arguments about London's transport system and imagined that it was creaking and incapable of accommodating the demand inspired by the games. People who do not live in London and who are not involved in the transport discussion could be forgiven for labouring under that false impression, but we should not lose sight of the fact that more than 90 per cent. of those who work in the City of London travel in and out by public transport.

London's transport system is very effective, and the scale of the development already in place must have impressed the Olympic committee enormously when it arrived in Stratford. Moreover, we are not talking about a concept or a model on a table: a real infrastructure development is under way, and it is considerably well advanced. I was certainly impressed with it, although certain elements could be improved. I do not want to overstate the problem, but we seem to have lost sight of the fact that the Paralympics are the second biggest sporting event in the world, being bigger than the football World cup. They will take place in Stratford, but very little consultation about the development of transport links is taking place with groups representing disabled people, such as DIPTAC.

There is an irony in that, and we need to address the matter soon. There are some concerns about the accessibility of transport and whether it is suitable for disabled people. It is essential that we deal with that matter in the near future.

The development of the dome by Anschutz will bring a lot of regeneration. I have already spoken about the need to improve transport links to that and about the training opportunities. I draw to the Minister's attention the opportunities for training that are provided by Greenwich community college at a unique facility that it has developed with Charlton Athletic football club: it has based one of its faculties, which is called the London Leisure college, at Charlton Athletic for several years.

Greenwich community college has positioned itself to develop opportunities for training in the leisure industry. It has started to train stewards for major events and to provide health and safety training and other forms of training, so that people who are putting on large events, including those at Charlton Athletic and the London Arena in the docklands, can employ qualified and trained staff. Clearly, the Olympics could benefit from input from the community college. In the Minister's future discussions about the development of the Olympics, that should not be overlooked.

The major contribution that the development of the Thames Gateway can make is in housing. Shelter's recently published report, "Building Hope: the case for more homes now", highlights the scale of need across the country, including in London. Nation wide, there are 116,000 children living in temporary accommodation. Over 73,000 of those live in London. There are 900,000 children nationally who are in overcrowded accommodation and 261,000 of those are in London.

Living in cramped accommodation has all sorts of implications for young people who are trying to educate themselves and to study at home. There are also implications for their health. All the studies on the development of children who are in temporary accommodation show that, because their base is temporary and they often get moved, their development falls behind that of their peers, which puts them at a disadvantage. We are developing schemes such as Sure Start, which those children often do not have access to, and targeting education to improve standards of attainment. When that number of children do not have a permanent home where they can study properly, or where they have difficulty in getting the home life that they need to be able to make the best of their education, we have a serious problem in tackling the Government's agenda on developing those young people. Housing is therefore central to the success of the Thames Gateway.

[Clive Efford]

A growing number of people are living in temporary accommodation for long periods. In 1997–98, the percentage of people who were in temporary accommodation for over two years was 1 per cent., but that has grown to nearly 10 per cent. The percentage who have been living in such accommodation for more than one year is up to nearly 25 per cent., so it is essential that we deal with the issue of affordable housing in the Thames Gateway area.

I am absolutely sick and tired of not being able to help the families who come to my surgery who are looking for housing. Three generations are living in a house. As I have said before in the Chamber, those families are living in houses that were built by a Labour Government, and they are now looking to a Labour Government to give them the start in life that was afforded to their parents. We must address that issue. Those people look to us to provide them with affordable housing. No amount of schemes to assist families to purchase, which I fully support and welcome, will address the fundamental problems of overcrowding and the number of families in temporary accommodation. If they could afford to buy, temporary accommodation is certainly an incentive; if they could buy, they would get themselves out of it pretty damn quick. There is a growing need for affordable accommodation for rent and we are not addressing it forcefully enough in the Thames Gateway development.

Shelter tells us that we need to build 20,000 additional homes each year until 2010 and that in London we need almost 6,000 homes a year in addition to those already proposed, to deal with our housing problems. If we fail to address the problem in a regeneration programme as big as Thames Gateway, we shall be letting down a whole generation of young families in London.

We have to ask who the regeneration is for. At the end of the programme, when the Thames Gateway area is fully regenerated, who will be living there? Who will benefit from all the effort that we, as politicians, have put in to bring about change? Will it be the people we were elected to represent—those who really need to benefit from the regeneration? That is the real measure of whether the Thames Gateway and everything we have discussed, including the Olympic games, will be of benefit to London and its people.

3.47 pm

Derek Wyatt (Sittingbourne and Sheppey) (Lab): I apologise to the House for not being here at the beginning of the debate. I was on the Westminster estate at a meeting with a senior Minister.

It is good to follow my hon. Friend the Member for Eltham (Clive Efford), although I spend far too much time in his constituency as both a shareholder and season ticket holder of Charlton Athletic. I am sorry that the hon. Member for Southend, West (Mr. Amess) is no longer in the Chamber, as I was brought up in Leigh-on-Sea and attended West Leigh primary school and Westcliff high school. As a boy, I did the Boxing day run along the pier many times. I know how important the pier is in the culture of Southend, so I hope that we can do as much as possible to support its rebuilding, even though it is for the third time. All our piers are wonderful, but Southend's is especially wonderful.

Bob Spink: As the hon. Gentleman is from Leigh, he will know what a beautiful community it is and how much it depends on the biodiversity and beauty of the Thames alongside which it sits. Is he concerned about the massive dredging of the Thames, which is part of the Thames port development, but which will completely destroy the biodiversity of the area, and probably the fishing industry on which Leigh also relies?

Derek Wyatt: I was not aware of any of that. I was a sea scout in Old Leigh so I know the sailing waters pretty well at both Canvey and Shoeburyness. I shall look into the hon. Gentleman's concerns, but I am sure that the Minister will be better able to respond to them.

I have a lot for which to thank the Thames Gateway. Since 1945, my constituency has had only three significant infrastructure awards. The first was a new road, the A249, in 1996. The second was the Sittingbourne Memorial hospital in 1996. The then Conservative Government opened the hospital but could not afford to open the wards—an extraordinary decision. The third thing was a bridge. A brand new bridge was built 32 years ago, yet within six months the dock at Sheerness was closed. The only reason for the bridge was that there was a naval dockyard at Swale, which forms part of Sheppey, and Sheerness would have been the first port of call in an attack on the Thames and the fleet would have been scuppered behind the Isle of Sheppey. We then had a bridge that we did not want. Since 1997, we have had almost £200 million-worth of infrastructure, largely on the Isle of Sheppey, which is one of the poorest areas in Britain. So, I have a hell of a lot to thank the Minister and the Department for.

The new bridge is still being completed but it will soon be open. On Monday, my hon. Friend the Minister of State, Department for Transport, and I went to the top of it. It is phenomenal; it is the fastest built bridge so far in Britain and is going up in the space of 18 months. It is more than a mile and a half long and it is a sensational piece of civil engineering. I pay tribute to Carillion and the other engineers who have built it. We hardly ever give thanks to our civil engineers, yet we have the legacy of Telford, Stevenson, Brunel and others who have made modern civil engineering what it is today. The bridge will change the way in which the island works: for the first time, it will be permanently connected to the mainland. That will change the sociology, culture and community of the Isle of Sheppey.

There is one other piece of infrastructure which I know the ODPM is looking at: the Rushenden link road—the last piece of infrastructure that I would ever ask of the Government. It is a £25 million scheme. I think that we will get the money, although I know that the decision will be made in the next six weeks. I ask the Department to look favourably on the poorest part of my constituency. If Rushenden and Queensborough could be rescued, the area would for the first time be a plus on the Chancellor's balance sheet. The scheme would give us not just more housing but a brand new business park, a new school and a new shopping centre, and revitalise the poorest area on my patch.

In 2002, we had a new hospital, and on Monday last week the Department for Environment, Food and Rural Affairs announced that it would spend £2.6 million on our coastal erosion, because one of our villages is moving slowly into the sea. We need help at the bottom and at the top. Fortunately, after campaigning, we have won that money.

Nearly £40 million is going into Sittingbourne, a small paper town where the paper is no longer so important—we used to have 10 mills, but now we have three. We used to have 20 or 30 brickworks, but now we have three or four. As it is an old Saxon town, it is caught in the middle. We are building a northern distributor road around Sittingbourne, which is the last piece of infrastructure that the town will need. We may still need a bypass for Newington, but I shall stop there, because the Government have listened and have been generous to my community.

I want to pose a couple of difficult questions. First, a delivery agency, Swale Forward, which is run by Kent county council, is based in Swale borough council's offices inside the Thames Gateway. That is a muddle. I would rather have Swale Forward as part of the Thames Gateway project, and not as a KCC project. If we are to deliver on some of the larger infrastructure projects, will the Minister consider moving Swale Forward into the Thames Gateway decision-making process?

Secondly, will the Minister have a word with Network Rail, which is one of the most obstructive organisations that I have come across? We have an offer of a brand new £70 million shopping centre, which we badly need, but Network Rail wants £5 million for the work involved. The developer is prepared to match some of the money. The money would go into central coffers, whereas the developer would like to rebuild Sittingbourne railway station. Anyone who knows that station will acknowledge that it needs to be rebuilt. The principle seems wrong. The money should go not to the Exchequer but to making good the railway. The same could be said of part of the bridge and the system connected with the Rushenden link road. Once again, Network Rail has not exactly been helpful. Is the Minister prepared to host a meeting between Network Rail, Swale Forward, Hammersons, the developers, and me so that we can bang some heads together?

While I am thankful, I am also slightly apprehensive about developments in the summer in relation to primary care trusts. We have had two new hospitals, one in 1996 and one in 2002, but this week closures were announced of one ward in one hospital and one ward in another because of a £12 million overdraft. We have the smallest PCT in Kent. It was formed only three years ago, and it seems to me that we have a cultural problem with managing change, initiatives and innovation in the health service. The nation as a whole does not seem able to handle or grasp strategy and leadership in the health service, and I am nervous and apprehensive about what will happen now. Last year, I campaigned for an increase in health funding for my area, and I got 15 per cent., the second largest in the country. It is useless to think that we can improve cancer and heart services in my community if we are managing a £12.2 million debt at the same time. In that context, it seems that the left hand does not know what the right hand is doing.

I am happy, however, that with the left hand the infrastructure of my constituency has been upgraded for the 21st century, and thrilled that, as far as the right hand is concerned, the people of Sittingbourne and Sheppey will benefit from a potential £40 million investment in secondary education on the island. People say that there is not joined-up government, but we have it. Over the past eight years, we have proposed these changes, the Government have listened carefully in every department, and they have done the left hand and come back to finish the right hand.

The last thing to be done is to sort out the secondary edueation system on the Isle of Sheppey. The bridge will not only physically join Sheppey to the mainland but will provide the 21st century society that we want.

As for concerns about the Thames Gateway, I would first mention the governance [illegible]. Are we brave enough to give it a regional development agency? Can we give it an RDA? What stops us wanting to give it an RDA? Not having one stops us saying that the Thames Gateway will be the third biggest economic area in the British Isles. If we had an RDA, we could start to ask questions such as, "What is world-class?" We do not have a world-class university in the Thames Gateway or world-class software or training companies. We can say that we have good Thames Gateway facilities, but we are now in competition with India and China. An RDA would provide leadership and enable us to work out much stronger strategies in association with local politicians. It is not that we do not have that, but we lack the RDA nomenclature, which is important.

It is now critical that we move the agenda not just to infrastructure, which we have all discussed, but to ask what is world-class about the region. If it is not world-class, what is the point of doing all these things? We must raise people's expectations and aspirations, and make them understand that they are no longer in competition with Germany and Japan but, as I said, the new leaders in China and India.

On housing, my area has such a shortage that I might be the only MP who welcomes housing development. Our community has different needs, with more than 35,000 people over 60, many of whom find living in two and three-bedroomed accommodation difficult. As they grow old, they wish to move to bungalows. However, one cannot find builders who want to build bungalows or modern ground-floor apartments for old people. Would the Minister consider an exciting housing scheme, such as the one that I saw on Vancouver island? In that scheme, 60-year-olds who had use of their limbs and could feed themselves moved to the third floor; as they got slightly older they went to the second floor where there was home help; and when they needed day care they moved to the ground floor. The 200 or 300 people involved did not move outside that community, which is critical. There is no thinking about how to help and plan for our old people, of whom we will have more and more.

I still cannot find out what an infrastructure audit is. I have raised that issue in a ten-minute Bill, and it has been raised in a private Member's Bill. Over the next 10 years, some 8,000 houses are due to be built in my constituency. I am happy to bat for the Government on this, but I cannot find out from Kent county council, the South East England Development Agency or from anyone else what 8,000 houses mean in terms of a

[Derek Wyatt]

primary school, a doctor, a nurse, a fireman, a policeman or whatever. For every 1,000 houses, do we need two policemen, six nurses, one doctor and four teachers? I do not know, but this is the 21st century and it is about time that someone did some modelling to show that so many houses equals so much need on the public sector side. If that is available in the Office of the Deputy Prime Minister, please could I have a copy? I would love to be able to fight the Department, in the nicest sense, to ensure that I have the right infrastructure to accompany the 8,000 houses that are due to be built in my constituency over the next 10 years.

Richard Younger-Ross (Teignbridge) (LD): Is the difficulty the fact that the tariff arrangement relates to section 106 agreements for housing developments? Would it not be better to move to a straightforward tariff on development under the current constraints?

Derek Wyatt: The trouble with section 106 agreements, certainly in my patch, is that they are never implemented. They are a bribe to tell the developers, "Hey, build us the school"—or the village hall or the pub—but they actually build more houses. The problem is that section 106 agreements cannot be enforced legally. Section 106 helps the developer, not the citizen. However, the hon. Gentleman makes an interesting point about having a tariff: 500 houses equal a school, a swimming pool, a village hall or whatever. Of course, as soon as a house built, people pay council tax, but they have no facilities until the last house is built and the road is adopted. They can wait four years for that to happen, which does not seem fair either. So I also have some planning anxieties.

Hon. Members have mentioned the Olympics. I chair the all-party Olympic committee. I hope that, as fast as possible, we can get all the RDAs to produce an audit of what is needed. In the south-east, we hardly have any Olympic facilities. It is a shame, but that shows the extent of the weakness of the sports infrastructure built over the past 50 years. Although we have brand-new football and rugby stadiums and cricket has improved at the top level, at the bottom level, we do not have 50 m swimming pools, athletics tracks, badminton halls or proper facilities for gymnastics, dance or many other things.

We could be smarter with schools—I know that a White Paper is due next week—and, as the specialist sports schools develop, we could allow them to become the hub for the Olympics locally by letting them have that infrastructure so that it can be used 24 hours a day. With breakfast clubs and homework clubs coming into the mix next April, this is the time for us to be brave about how we use our schools, and develop the Olympic infrastructure across the country.

Finally, I want to commend something to my hon. Friend the Minister. We have introduced Sure Start. I can honestly say that Sure Start and the minimum wage are the two finest things that the Government have done—those are the measures that I am proudest of. Sure Start has changed people's lives in Sheerness in a way that we never expected. A couple of years ago, we asked mums and dads whether they would help with a newsletter, but they said that they could not because they could not read and write, and we have now got them reading and writing.

On 7 November, we will have a meeting at Sittingbourne community college in my patch because we are trying to put together a pilot for sure finish. At the moment, we are letting too many people aged 14 to 16 truant. They do not go to school—they do not find school a place that they like. They are excluded for whatever reason. For the reason that we have begun Sure Start, we cannot let that 20 per cent. go. I ask the Minister to look at that pilot scheme and consider whether we can seed fund a proper pilot for a sure finish scheme, so that we can start to consider those students and give them back their dignity because they have none at the moment.

4.4 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): I thank all those hon. Members who have taken part in this very important debate, especially my hon. Friend the Member for North-East Derbyshire (Mrs. Engel), who delivered her maiden speech. I will try to respond to all the points made, which, if colleagues will forgive me, may take more than just a minute or two. I also thank my hon. Friend the Minister for Housing and Planning, who has responsibility for the Thames Gateway, for opening the debate by presenting the case for the development and regeneration of the Thames Gateway sub-region.

I have been grateful for the opportunity to hear hon. Members on both sides of the House participating in such a well-informed debate. As the Member of Parliament for Poplar and Canning Town, it has given me particular pleasure to take part in a debate of not only national significance, but local relevance to my constituents and almost all of us gathered here today.

Hon. Members' contributions have highlighted the important work that is going on to improve the quality of life for people in London and the south-east, especially those living in the most deprived parts of our region—along the 40-mile stretch of the Thames Gateway. I shall try to answer the questions asked and respond to the points made by hon. Members, but if I do not cover matters adequately, I will naturally write to them. I am especially glad that the breadth of the debate has allowed us to discuss the social, economic and environmental impact of the Government's policies on people's quality of life and the way in which we are trying to fulfil their basic need for the right to a decent home in the Thames Gateway.

The hon. Member for Poole (Mr. Syms), who spoke for the official Opposition, welcomed the debate. He hoped that we would have an annual opportunity for such a debate. As the former chairman of the all-party Thames Gateway group, I agreed with his proposal. Given the significance of the Gateway and the fact that this is our second such debate, I am sure that the Leader of the House will take note of the strength of feeling on that matter, although at least one hon. Member raised a concern during business questions that the debate was taking place to the exclusion of debates on other regions. I agreed strongly with what the hon. Gentleman said about jobs for local people and the training needs of the area. We will need to address and meet that challenge.

The hon. Gentleman expressed concerns about flooding. I assumed that his description of the comments of my right hon. Friend the Member for Streatham (Keith Hill) in the previous debate as robust was intended as a compliment. We take the threat of flooding seriously. However, the fact that land is part of a flood plain does not mean that there can be no building on it. Much of London is built on a flood plain, as we know, so the issue is how we can protect the new housing that we need. The new developments that we build will need to be adequately protected. All our local partnerships will need to produce strategic flood risk assessments, as will individual developments.

Our funding is going to such projects as the Rochester riverside. We are land raising and building a new river wall and river walk to create a 70-acre development platform for 2,000 homes, 900 jobs, schools and community facilities. Local planning authorities must examine flood risk when considering any individual application, which is why flood risk assessments that tell them where problems are, and whether or how they can be addressed, are important.

Bob Spink: The hon. Gentleman is one of those great avuncular Members of the House to whom I enjoy listening. Is he aware that flood risk assessments for planning applications are adding thousands of pounds to the costs experienced by people who wish to build houses? For example, although Canvey Island is protected from floods by a massive and sound sea defence, developers must add thousands of pounds on to the cost of houses due to the flood risk assessment, which is simply a waste of money.

Jim Fitzpatrick: I shall talk about the strategic placing of housing in due course. Any additional requirements on building can cause an impact, whether that is protection against flooding or other environmental risks. If the hon. Gentleman will wait, he and I can perhaps continue our dialogue when I reach the part of my speech about housing.

Questions were asked about the Thames estuary survey. It notes that the Government are well aware of people's worries about flood risk. We are engaging people with the Environment Agency through the Thames estuary study so that we can ensure that effective flood risk management is incorporated into developments in the Thames Gateway. The question of balancing out costs will be a feature of the process of deciding whether developments should proceed.

The hon. Member for Poole spoke about architecture. I thought at one point that he may have been taking a side-swipe at the dome. My hon. Friend the Member for Eltham (Clive Efford) also referred to architecture, and I shall return to that in due course.

The hon. Member for Poole asked for a breakdown of the £6 billion funding. I can give him a thumbnail sketch by telling him some of the amounts that we intend to make available—more than £1 billion for transport, £400 million for health, £850 million for the Thames Gateway budget, £41 million for the environment, £268 million for affordable housing, a similar figure for land reclamation, more than £1.5 billion for education and almost £300 million for neighbourhood revival. By my calculation, that adds up to about £5 billion. I am sure that he gets the picture.

The hon. Gentleman referred to Crossrail and a stop at Woolwich. As he says, with champions such as my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) and my hon. Friend the Member for Eltham, the station has very strong advocacy, and I will turn to our assessment of the situation when I respond to my hon. Friend's remarks.

The hon. Member for Poole asked whether there were delays to the channel tunnel rail link. Our best information is that there is no delay. International services will be running from 2007, but domestic services will not begin until 2009. The rolling stock has been ordered and the development will obviously be a great improvement to transport links from that part of north Kent. I understand that people will be able to get from Ebbsfleet to King's Cross in 17 minutes. It is a major addition to the infrastructure.

My hon. Friend the Member for North-East Derbyshire made her maiden speech and, judging by the acclamation, she made a fine debut. Her generous tribute to her predecessors, her proud description of her constituency and her passionate articulation of her beliefs clearly demonstrate that her electors have made the right choice. I am sure that I heard her use the "S" word—Skinner—twice. Her connection of North-East Derbyshire's regeneration to the Thames Gateway might have looked tenuous on paper, but she made it work very easily. She will clearly be an asset to her constituents, and all my colleagues here have said that they look forward to her future contributions.

My hon. Friend spoke about involving and equipping young people. We are trying to raise the standard of learning, the work-related skills and the employability of young people. We are increasing access to education and skills including, most excitingly, three new universities in east London, Southend and the Medway, so this is a big issue for the Thames Gateway and its development.

Yesterday, I drew attention to the ability of the hon. Member for Brent, East (Sarah Teather) to annoy the official Opposition; today, she invoked their sympathy with her coughing—so much so that the hon. Member for Poole acted as water carrier, which I thought a very gallant gesture. The hon. Lady asked a number of questions to which I will try to respond. On housing growth, I can assure her that we are not engaged in urban sprawl. Housing in the Thames Gateway will be focused on six strategic development locations in five urban renewal areas. The six locations will have a combined capacity to deliver 113,000 homes. Those sites have been chosen for their developable brownfield land, and we are focusing services and infrastructure around those areas and creating accessibility.

Mr. Dan Rogerson (North Cornwall) (LD): Given that this is a high-profile development and given the discussions in the House and elsewhere about climate change and the need to address it, does the Minister think there is room to look at flagship zero emission developments?

Jim Fitzpatrick: The new building regulations come into force next April, and I will deal with their requirements and the Thames Gateway development later.

[Jim Fitzpatrick]

The hon. Member for Brent, East asked what was being done to speed up the introduction of the Crossrail Bill. It will be subject to the relevant procedures, but it is a complex measure that supports an ambitious and expensive scheme. I agree, however, that it is important not just to London but to the UK economy.

On the issue of our commitment to infrastructure, the Government are fully committed to the Thames Gateway, which is backed by massive investment. We have always made it clear that it is about more than housing. For example, £6 billion has been committed by the Government in the three years to 2006 to support key infrastructure in roads, public transport, health, education, skills and environmental protection. I hope that the hon. Lady acknowledges that commitment.

On the density of housing on brownfield sites, part of the development potential of the Thames Gateway is due to its reserve of brownfield land. PPG3 takes a brownfield-first approach and requires 60 per cent. of housing to be built on previously developed land. In the Thames Gateway, we have set an ambitious target of 80 per cent. of brownfield development, which is currently being exceeded. The whole area is subject to the 2005 density direction, so development must meet a minimum target of 30 dwellings a hectare. National planning policy is committed to a sequential approach to land use, protecting valuable green space as well as increasing density.

The hon. Lady asked about the equalisation of VAT on new build and renovations. Our officials have met colleagues in the Treasury to discuss that issue and options for resolving it. We continue to gather information and evidence. The Treasury accepts the adverse impact and perverse incentives arising from differential VAT, but it is mindful of the impact on revenue of any change in the regime as suggested. We are constrained to some extent by EU regulations, to which VAT is subject. There is therefore limited scope for UK action, but the matter is under close examination. The Government are evaluating the impact of the contaminated land tax clean-up credit in a study commissioned by the Office of the Deputy Prime Minister and by Revenue and Customs officials.

The good doctor, my hon. Friend the Member for Dartford (Dr. Stoate) praised local companies, but expressed concern about the planned Tesco development, which, as he acknowledged, is the subject of an inquiry, so it is inappropriate for me to comment. He asked about Government investment in the Swanscombe and Greenhithe master plan. As I have already explained, we recognise the need to engage communities. We are pleased about the combined partnership between English Partnerships, SEEDA and the local authority. A funding request has been made and will be subject to the ODPM's investment approach to the funding of new projects. Hopefully, the result will be known in time for the next financial year.

My hon. Friend asked whether the primary role of the Thames Gateway was to service London, and he was concerned about social exclusion. He will know that we want the Thames Gateway to do many things, but the creation of sustainable communities is fundamental. Some Members suggested that "sustainable communities" was too tidy a phrase. We have juggled with its implications, which include a community with leadership, green space, housing, health services, schools and all the basic amenities. If anyone can come up with an alternative phrase we would be interested to hear from them, but having used "sustainable communities" for some years people on the ground understand the concept. By it we mean, as I outlined, places where people want to live and work. Obviously, some people will commute into London, especially into the Canary Wharf area, which now boasts the second largest financial centre in Europe—bigger even than Frankfurt's—but we expect to see economic and job growth around, for example, the Ebbsfleet channel tunnel rail link station, providing local jobs. It is this growth across the board, sponsored by public investment, that will tackle the disadvantages currently suffered by some Gateway residents. The new transport, skills, doctors surgeries, parks and universities will improve everyone's life chances.

My hon. Friend asked about dormitory towns. Another example is the Bridge development in Dartford, where 7,500 jobs have been created, as well as homes and a mini-science park. The Thames Gateway must take on the whole package. My hon. Friend asked about the creation of a new agency with planning powers, similar to the Environment Agency and the Highways Agency. It is our considered view that a new body would over-complicate the planning process and slow down our programmes of development. My hon. Friend suggested that the Highways Agency itself may be holding up some developments and employment opportunities. We do not believe that that is the case. We accept that the Highways Agency has an obligation to ensure that national trunk roads perform effectively. It is fulfilling that role and designing solutions with developers, and it has invested £250 million along the A2 west Thameside development in Ebbsfleet, Dartford and Eastern Quarry.

Finally, my hon. Friend asked about environmental targets, possibly returning to questions raised earlier. The Government are setting high standards for our green space. The 2004 publication "Greening the Gateway" sets out the Government's vision for green space and linking green space in a green grid. We have already invested £26 million in environmental projects and we are raising the bar for the energy efficiency of homes. From April 2006, the code for sustainable buildings will apply to all Government-funded buildings. Thames Gateway projects like the Greenwich millennium village received excellent ratings under the EcoHomes system.

The hon. Member for Bexleyheath and Crayford (Mr. Evennett) balanced his generous words for my hon. Friend the Member for North-East Derbyshire with a swipe at my hon. Friend the Minister, saying that her speech was full of jargon. Given the nature of her speech, the use of some technical language was unavoidable, and her contribution was well balanced. I hope that the House knows that my hon. Friend is very human and personable.

The hon. Member for Bexleyheath and Crayford mentioned the divide caused by the Thames, which led me to believe initially that he was arguing in favour of a Thames bridge, but from his later comments that seemed unlikely. As the topic is the subject of a planning inquiry, I cannot comment further. The hon.

Gentleman—singularly, I think—questioned the possible benefits from the Olympics, whereas many other speakers this afternoon stressed what a bonus they would be for the UK, London and the Thames Gateway in particular. There is a general belief and confidence that the games will benefit sport, culture and the economy in the whole of the UK, including his constituency. I am sure that that belief will be vindicated in due course. My hon. Friend the Member for Eltham pointed out the impact that the Paralympics would have as well.

My hon. Friend the Member for Thurrock (Andrew Mackinlay) asked which Minister was responsible for regeneration. It is my hon. Friend the Minister for Housing and Planning. I do not understand why there has been any confusion over that. He asked me to convey his concerns about police and health structures to our right hon. Friends the relevant Secretaries of State. I am sure my hon. Friend knows that, just by raising these matters in the Chamber, they will be informed, and he knows how to reinforce his concerns in the usual ways. I heard his criticism of directory inquiries and the difficulty in contacting the appropriate development agencies. I hope that the organisations that he mentioned will also have heard.

On waste, my hon. Friend asked about the scale of development in the Thames Gateway. With the volume of people, the number of households and the infrastructure development, more waste will be generated. The code for sustainable buildings sets out how developers should reduce construction waste, and the millennium community in Greenwich has already shown that that can be done. Local planning authorities are, of course, responsible for planning adequate provision for all sorts of waste. The issue is sensitive and my hon. Friend is right to raise it. Planning policy statement 10 clearly states that regional waste management strategies must be implemented, and we are working with local authorities to ensure that they are.

My hon. Friend correctly raised the need to protect natural habitats and wildlife, and, like him, we believe that communities benefit from a close relationship with green spaces. The Government are committed to ensuring that development is supported by green infrastructure that is accessible to all. A perfect example of that is ODPM funding for the Rainham marshes project. We have spent more than £5 million to open up a large site on the edge of London in Essex, where a brand new, high quality educational facility will be constructed.

My hon. Friend has raised the issue of schools being in the wrong places. Planning authorities are clearly required and obliged to ensure that there is a strong spatial context for development, so that facilities such as schools are sited in the most suitable locations. Because of population shifts and the ageing process, however, we all know that difficult questions sometimes arise.

Andrew Mackinlay: I hope that the Minister does not think that I am nitpicking: I want to emphasise that the confusion around names such as the Thames Gateway Partnership, the Thames Gateway development corporation and the Thamesgate consortium, which is a private affair, is a problem for not only me and my hon. Friend the Member for Basildon (Angela E. Smith), but all of us in the public sector in and around Thurrock. The situation must be clarified, and I hope, perhaps with the Minister's prompting, that the development corporation will do all that it can, which might involve spending some money, to distinguish between its function and that of some private developers. The situation will be acutely embarrassing for the development corporation, and ultimately for the Government, if it is not clarified.

Jim Fitzpatrick: I acknowledge my hon. Friend's point, which is fair, and I am sure that those responsible will examine the matter, because we must have clarity, particularly for those members of the public with whom we are trying to engage. If we find the situation difficult to understand, it will be much more difficult for our constituents, who do not have our experience in addressing such questions.

My hon. Friend spoke of the scant attention that the Thames Gateway receives from the media, especially the BBC, and, along with the majority of hon. Members in the Chamber, I share his disappointment. Half of what was known as Fleet street is now located in Canary Wharf. At one point, I thought that there must be a wall down the middle of Canary Wharf that prevents editorial staff from looking eastwards and forces them to look back towards the City and Westminster. The development in the royal docks and beyond has not received the attention that it deserves, and I hope to hear my hon. Friend on "Today in Parliament" repeating his point about the BBC.

My hon. Friend mentioned Thurrock urban development council and expressed his concern that progress has been too slow. Although I acknowledge that setting up new organisations can take longer than we might want, the urban development council is fully operational in its new offices, and I have been advised that it is open for business. I apologise because I cannot tell my hon. Friend its telephone number, which I am sure he will obtain in due course.

My hon. Friend has asked why the Government are not considering another Thames crossing to the east of the Dartford crossing, but I am sure that he knows that two studies have already taken place. One of them was conducted by the Strategic Rail Authority, which examined demand for a rail passenger and freight crossing, and the other was conducted by the Highways Agency, which examined capacity management at the Dartford crossing. Those reports are with Ministers at the Department for Transport for further consideration, and I am sure that my hon. Friend is monitoring that very closely.

In an eloquent speech, the hon. Member for Hornchurch (James Brokenshire) expressed fears about the Olympics being a potential distraction from the overall project of regenerating the Thames Gateway. I anticipate that the reverse will be the case, as the Olympics will accelerate the process. Regeneration was always going to happen in Stratford and the east, and I am confident that what may have taken 15 years will be accomplished in seven. As we build further to the east, it will be a natural, organic step to move on to the rest of the Thames Gateway.

The hon. Gentleman suggested that urban development corporations are not accountable. As non-departmental public bodies, they are governed by

[Jim Fitzpatrick]

legislation that is passed by this House and are run by a board with local authority representation and officers at a political level. They are meant to, and should, work in partnership with local authorities and local strategic partnerships to ensure that policy and decision making is an open process that achieves what local communities want.

The hon. Gentleman mentioned the housing mix and the possible lack of three and four-bedroom properties. I acknowledge his concerns, but the matter is being dealt with. It is not clear how widespread the situation is. We will issue new guidance on housing, including the housing mix, through planning policy statement 3. However, local authorities need to have a clear idea of the housing mix that they need as a benchmark for assessing the applications that they receive and approve.

The hon. Gentleman asked us to ensure that east London transits are prioritised. As he may be aware, the east London transit, which is bus-based, is prioritised in the Mayor of London's five-year business plan. Construction is due to start in 2006, with phase 1—Ilford to Dagenham—to be completed in 2007. Further phases are planned and will be part of Transport for London's business planning process. The intention is to join the transit with the Thames Gateway bridge to create, with the Greenwich waterfront transit, a Thames Gateway transit.

The hon. Gentleman's language, which included the phrase, "sub-regional economic development", may not have been to the taste of the hon. Member for Bexleyheath and Crayford. His encouragement for the Government to make brave decisions smacked of "Yes, Minister", but perhaps that is my personal reading.

My hon. Friend the Member for Dagenham (Jon Cruddas), who is chair of the all-party group on the Thames Gateway, began his remarks by agreeing with the speech by the hon. Member for Hornchurch. I was not too worried about that, as there is a lot of consensus on this development. I remember getting into difficulty with members of my local party when in my maiden speech I commended, in a qualified way, the previous Conservative Government's vision of regenerating the docks, inspired by Michael Heseltine.

My hon. Friend clearly outlined the risks from the far right if we get the development in east London wrong, and the pressures that currently exist. I know that he campaigns very strongly on these issues. His description of the problems that need to be acknowledged and addressed was thoughtful yet forceful. He accepted that much imagination is needed, and that much is being used, to deal with those problems.

The hon. Member for Southend, West (Mr. Amess) and I may be on opposite sides of the Chamber but, as he said, we share a joint interest in the future of West Ham United football club, which is one of the Thames Gateway's great football clubs—I would say the only football club, but other Members may disagree.

The hon. Gentleman asked about casino development. At the beginning of the month, the casino advisory panel began examining locations for the new types of casino for which the Gambling Act 2005 provides. The panel is not due to report until December 2006 and it would therefore be inappropriate for me to go further.

The hon. Gentleman also spoke about sport and culture in Southend and Southend council's support for local stakeholders to develop their vision for Southend as a cultural and educational hub. Sport is obviously an important part of that. We look forward to continuing the relationship with Southend and to its presentation of well supported projects in future.

The hon. Gentleman paid tribute to his local fire and rescue service. Having visited Essex fire brigade recently as Minister for fire safety, I am happy to add my endorsement for their sterling work in trying to protect the pier, which they were clearly able to do to some extent. However, I regret that I cannot accede to his begging-bowl request for £50 million—that is a pretty big bowl—and I am sure that he did not expect me to do so. However, there is much sympathy and support for Southend.

My hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt) made some positive comments about developments in his constituency part of the Thames Gateway. He sought assurances that serious consideration would be given to several other projects. He can be assured that the Government will do that. He praised Sure Start as one of the Government's successful flagship initiatives. There is almost universal agreement about that.

My hon. Friend's final wish involved the application for funding the A249 relief road. It is currently with the community infrastructure fund. All the applications are being considered and I am therefore not in a position to respond to that request today. However, I am sure that he will hear something in the near future.

My hon. Friend the Member for Eltham and other hon. Members asked why Crossrail was not programmed to stop at Woolwich. I am advised that the tunnel for Crossrail is very deep at that point. That makes the development of the station at Woolwich expensive—a possible cost of more than £100 million. However, land has been safeguarded at Woolwich and it would allow expansion of Crossrail when the overall business case is strong enough or when the argument is won. Discussions are continuing with the London borough of Greenwich about the evolution of any future proposals. Given that my hon. Friend and his neighbours are already lobbying strongly, something may happen sooner than expected. Clearly, it will be a difficult argument to win.

My hon. Friend also mentioned the dome and it would be an omission not to reinforce his points about the impressive and ambitious plans to regenerate the whole Greenwich peninsula, including Anschutz's designs for the new entertainment complex called "The O_2". He outlined the training partnerships between the local college and Charlton Athletic as an example of key initiatives to show how local people can benefit from regeneration schemes that could and should be copied elsewhere.

My hon. Friend asked how transport would deal with accessibility in support of the Paralympics. It is clear that Transport for London is already investing heavily in major station refurbishments. Part of the investment includes ensuring that transport is fully accessible to all through the transport hub of Stratford and throughout London. As arrangements for the Olympics evolve, so will accessibility.

My hon. Friend made a powerful case for affordable social housing to rent. I hope that he knows that that is a key priority for the Office of the Deputy Prime Minister. We committed £3 billion to it last year alone. I appreciate that some people do not regard that as enough, but as my hon. Friend the Minister for Housing and Planning said earlier, we are determined to reverse decades of decline in house building. We believe that we have made a good start.

We have accepted Kate Barker's central recommendation that there should be a step change in housing supply. Our proposals are designed to tackle acute problems in the shorter term in a way that underpins our longer-term objective of creating a stable housing market where supply and demand are balanced. We have to confront the reality of the housing market in London and the south-east, where people have long waits for social housing and our young people are denied the chance to set a foot on the property ladder because of costs.

We have the agreement of the regional planning authorities to provide 120,000 new homes in the Gateway by 2016. We are working to set the numbers into plans. Growth brings benefits and opportunities. The Government have invested £6 billion in the three years up to 2006 to deliver the robust infrastructure and public services necessary to support housing expansion. In addition, the spending reviews of 2002 and 2004 delivered a ring-fenced £850 million Thames Gateway budget, administered by the Office of the Deputy Prime Minister to support local projects that unlock growth.

That investment will bring positive change to existing residents of the Thames Gateway and those who will make a home there in the years ahead. This is not just about new residents; it is as much about the people who live in the Gateway now. Community cohesion is vital both for the existing community and for those who will move into the area—the key argument used by my hon. Friend the Member for Dagenham. Neither is this a programme for isolated dormitory towns; it is a plan for thriving and sustainable communities. We want people to feel proud of the communities in which they live, and our £26 investment in green space to improve the look and feel of a sub-region that had experienced decline and deprivation will help to do just that.

The Thames Gateway is not a new idea. Indeed, London owes its very existence to the Thames, acting as a gateway to England. As in the past, London is still a gateway to the wider south-east and to the United Kingdom. As a celebrated and historic capital and a world financial centre, it is the rallying point for our nation. The Thames Gateway must see its vocation within and adjacent to the economic heart of London as an asset: an economic heart whose centre of gravity is moving eastwards, to the benefit of the Essex and Kent dimensions of the Gateway.

London's potential was wonderfully exemplified when it was chosen as host city for the 2012 Olympic and Paralympic games. The impact of that honour through increased investor confidence and momentum will be felt not only across the capital but in the Essex and Kent Thames gateway. We all know that the Thames Gateway lies in an area of great opportunity. Let us maximise that potential, and deliver results right across the Gateway sub-region.

The Government are committed to the growth and regeneration of the Thames Gateway, backed up by investment and a swathe of delivery projects on the ground. We are determined to take the opportunity that the Thames Gateway presents, and make a difference to the quality of life of thousands of people in both this generation and the next.

Mr. John Heppell (Nottingham, East) (Lab): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

PETITIONS

Right of Appeal

4.42 pm

Keith Vaz (Leicester, East) (Lab): I wish to present a petition that has been signed by 2,500 people, opposing the Government's proposals to abolish the right of oral appeal for visitors to this country, to limit the definition of family members, and to take away the right of appeal for overseas students who wish to come to this country.

Since the proposals were announced, there has been a decline in the number of overseas students coming to Britain. The petition

Declares that the right of oral appeal and current definition of family members for visitor's visas and the right of appeal for overseas students are very important to Institutions of Higher Education as well as to ethic communities throughout the United Kingdom.

The Petitioners therefore request that the House of Commons urge the Government not to abolish the above mentioned rights and definitions.

To lie upon the Table.

Council Tax

4.43 pm

Mr. David Laws (Yeovil) (LD): I am pleased to have this opportunity of presenting a petition on behalf of 500 constituents, including the Chard and Ilminster pensioners forum. The petitioners are concerned about the high level of council tax, and want it to be replaced by a fairer tax.

The Petitioners therefore request that the House of Commons vote to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

To lie upon the Table.

4.44 pm

Mr. James Clappison (Hertsmere) (Con): I rise to present a petition containing the names of 148 of my constituents, collected on behalf of the IsItFair council tax protest campaign. It draws attention to the year-on-year increases in council tax.

The Petitioners therefore request that the House of Commons vote to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a

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system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

To lie upon the Table.

Mr. Crispin Blunt (Reigate) (Con): On a point of order, Madam Deputy Speaker. Earlier today at oral questions to the Secretary of State for Environment, Food and Rural Affairs, the Minister of State said that neither he nor the Secretary of State was familiar with a quotation from the Secretary of State that *The Guardian* and *The Times* ran in October 2004. I have since checked with the Press Association and Amanda Brown, the journalist who wrote the story, and although she no longer has her notes or the tape recording made at the time of the teleconference with the Secretary of State, she stands by the fact that she gave an accurate report of what the Secretary of State said to the Press Association, which was subsequently quoted in *The Guardian* and *The Times*. DEFRA did not protest at the time that the story had been misfiled.

In the light of that and of the inadequate response to other elements of my question to the Minister of State this morning, I intend to raise this matter in an Adjournment debate, as I was advised privately by the Minister that unless the journalist in question could produce her notes or the tape he would not return to the House to make a correction. Am I therefore correct in saying, Madam Deputy Speaker, that an Adjournment debate is the only way to take this matter forward?

Madam Deputy Speaker (Sylvia Heal): That certainly is not a point of order for the Chair. The matter has been raised here and noted, and it will now be on the record. The hon. Gentleman is an experienced Member of this House and his suggested route is perhaps the most appropriate one.

Pulmonary Disease (Surface Workers)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

4.47 pm

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I begin by referring the House to my entries in the Register of Members' Interests. I am a member of the National Union of Mineworkers, and of the Minister's English coal health claims monitoring group and the Yorkshire coal health claims monitoring group, which were set up way back in 1999 to deal with some of the challenges that we faced in maintaining the mining communities' commitment to the chronic obstructive pulmonary disease scheme.

I thank the Government for what they have done for former miners and their families, and for mining communities generally. The COPD scheme, which came into being following the February 1998 court case, had 576,000 registered claims. The scheme is now closed but it has already paid out some £2 billion—a figure that will increase substantially as all the cases move to settlement.

I want to make two main points. First, I want to show that it is illogical and unjust not to include surface workers in the COPD scheme. Secondly, I want to suggest to the Minister that there are alternative options, one of which could be a no-faults option. The COPD scheme is administered under the handling agreement that has been agreed by the judges who oversee the process and receive progress reports on the scheme.

A major defect in the COPD scheme is the fact that it does not include surface workers who have had to work in dusty areas of the colliery. The Government accepted the case for the inclusion of surface workers in the scheme and laid a minute before the House on 10 July 2000. I shall quote from paragraphs 5 and 6 of the minute. Under the heading, "Surface Dust", paragraph 5 states:

"Many of the existing claimants also have potential extended claims for exposure to dust in jobs on the surface at mines. In addition, some surface-only workers have test claims pending. Exposure to dust on the surface leads to the same lung diseases as dust underground. The DTI has investigated the levels of dust prevailing in surface jobs in British Coal mines, measures which could have been taken to reduce dust and those which were taken. The DTI proposes to accept that British Coal did not fully meet its responsibilities towards certain categories of workers in dusty jobs on the surface. (If the liability is not accepted these issues will be put to the Court to decide.)"

Paragraph 6 states:

"In accepting this liability, the DTI would propose to miners' solicitors that compensation for surface dust exposure be handled within the current Agreement for underground exposure. How this would work would need to be negotiated in detail. Agreement would be needed on what jobs would be covered and on what levels of dust could reasonably have been avoided."

As I said, that minute was laid before the House on 10 July 2000. It accepted that it was unjust to keep surface workers out of the scheme, yet despite the minute, by 16 July 2000 there had been reversal.

It appears that, following a report from Dr. Moore-Gillan and Dr. Ford, who I understand carried out an analysis of dust levels on colliery surfaces, the DTI set out its position in compensating

surface workers in a position paper of 16 July 2000—notwithstanding the fact that the minute had been laid before the House.

Mr. Kevan Jones (North Durham) (Lab): I, too, have seen the minute and referred to it in my Adjournment debate on the subject. Will my hon. Friend confirm that the minute was signed by Ann Taylor, director of the coal claims health unit and the senior civil servant dealing with claims throughout the administration of the scheme?

Mr. Clapham: I have a copy of the minute with me. It is entitled, "Non-statutory liability to pay compensation to miners for exposure to surface dust" and it indeed carries the name of Ann Taylor, director of the coal health claims unit, Department of Trade and Industry, and the date of 10 July 2000.

Mr. Dennis Skinner (Bolsover) (Lab): She is still there.

Mr. Clapham: She is still in charge of the scheme.

As I said, Dr. Ford carried out an analysis of some of the dust levels that had been recorded on colliery surfaces, but the DTI's reversal of position took place notwithstanding the minute. I cannot understand why the important evidence of Dr. Moore-Gillan and Dr. Ford was not considered before the minute was laid, or why, within a matter of six days and on the basis of the evidence supplied by those two doctors, the minute was reversed.

There are a number of flaws in the DTI's position and I intend to list them. First, the coal preparation plants operated by British Coal were not subject to routine sampling procedures. That point is made in the minute to which I have referred, and the DTI accept it. There was no schedule for taking dust readings above ground, although that was not the case with underground workings. That was one of the factors that caused the claimants group of solicitors to decide not to go to court, and I shall return to that in a moment.

Mr. Skinner: Does my hon. Friend accept that the screens on the surface—probably the dustiest place of all—meant that the doctors in 2000 were probably unable to see the sort of conditions that applied for all the years beforehand? What is more, does he agree that the doctors involved in the pneumoconiosis settlement knew about those screens?

Mr. Clapham: My hon. Friend is right, and his point about the pneumoconiosis scheme is extremely important. That no-fault liability scheme, introduced in 1974, covered surface workers, and it accepted that they worked in dusty conditions and were likely to contract pneumoconiosis. The claimants group of solicitors have already traced some 34 cases of men who worked only on the surface but who contracted pneumoconiosis.

However, the minute makes it clear that the dust that caused COPD in miners underground was the same as the material to which miners working in certain areas on the colliery surface were subjected.

Mr. Skinner: Same coal.

Mr. Clapham: I hope that the Minister will consider the very important points raised earlier by my hon. Friend the Member for Bolsover (Mr. Skinner)—that the pneumoconiosis agreement applied to those who worked on the colliery surface, and that a number of surface workers developed pneumoconiosis.

Secondly, the COPD scheme is flawed because there was little routine monitoring of dust levels on the surface. My hon. Friend the Member for Bolsover mentioned the screens that were used. They were extremely dusty, and all the more so after the introduction in the 1970s of the procedure known as bunkering. If a conveyor belt running from the colliery bottom, through the drift and up to the coal preparation plant broke down, production at the coal face was not held up. Instead, the coal would be put in bunkers, some of which could hold as much as 600 tonnes.

The coal in the bunkers would dry out before it was run out to the colliery surface and on to the screens. The chutes used were often badly designed, with the result that coal held in bunkers over a weekend, for example, produced so much dust that one could not see across the coal preparation plant. Many workers in the coal preparation plant were therefore subject to large amounts of dust.

Thirdly, I draw the Minister's attention to the rest-of-the-world protocol in the COPD agreement. That protocol allows anyone who worked in British Coal mines after 1954 to make a claim, regardless of where in the world he subsequently went to live. For example, a claim could be made by a former miner who had gone to live in America. However, a surface worker who spent all his life in collieries is unable to make a similar claim. That is surely a grave injustice.

Fourthly, it is illogical not to accept that the dust that causes COPD in underground workers does not inflict the same disease on surface personnel working in dusty conditions.

Tim Farron (Westmorland and Lonsdale) (LD): I am grateful to the hon. Gentleman for giving way, and I assure him of my support in his campaign. Is he aware of pulmonary rehabilitation, which is a series of treatments, advice and interventions for people suffering from COPD? That rehabilitation is not currently available for people in my constituency of Westmorland and Lonsdale. Does he agree that pulmonary rehabilitation should be made universally available for people suffering from COPD?

Mr. Clapham: I thank the hon. Gentleman for his intervention. It is important that there be intervention in respect of this disease. I refer him to the Government's investment, for example, in a constituency next to mine, Rotherham, where a new rehabilitation centre is to be built. It will allow families to come along for respite when the person suffering from COPD is undergoing treatment.

The claimants group of solicitors considered taking the matter to court. The difficulty with a court case—this is why I think we need a political settlement—is that there is no schedule of dust readings on the colliery surface because British Coal did not carry them out. There was no routine, as there was underground—underground workings were routinely monitored and

[Mr. Clapham]

dust readings were taken. The evidence clearly showed that British Coal failed to take steps to mitigate the level of dust. That evidence is not there for colliery surface workers.

The claimants group of solicitors was advised by its legal adviser that, were it to take the case to court, there would be grave difficulties. One was created by the Department of Trade and Industry, which said that, if it won the litigation case, it would seek the cost of that litigation and that could fall on individual claimants. Therefore the claimants group of solicitors decided that it could not take the case to court.

As I have pointed out, it is accepted—the minute in part accepts it—that British Coal was negligent in respect of surface dust. Therefore, how do we proceed? I refer the Minister to the report of the Select Committee on Trade and Industry on coal health compensation schemes which was published on 6 April 2005. At paragraph 44, page 18, the Committee says:

"We were encouraged that, after discussing the legal arguments against allowing claims from this group of workers and the correspondence between the DTI and the CSG on this issue, the Minister gave us an undertaking that the Department would give 'maximum consideration to resolving' [the issue]."

That Minister was my hon. Friend the Member for Edinburgh, South (Mr. Griffiths). The Committee went on to say:

"We hope that a solution can be found which allows ex-surface workers to be admitted to the COPD scheme. While we recognise that the DTI's current position may be legally watertight, it does not seem to us to be just."

I ask the Minister present to consider bringing justice to the situation.

There are a number of options. The Minister could do as the minute suggests and include all colliery surface workers who have worked in dusty conditions, such as in the coal preparation plants, in the current COPD scheme. He may wish to have a COPD scheme specifically for surface workers, but based on the principles of the current scheme. Alternatively, he may wish to consider a completely different option to bring in a totally separate scheme based, like the pneumoconiosis scheme, on the no-fault liability principle.

That scheme could work by virtue of taking the assessment of disability given by the Department for Work and Pensions and relating it to a table of payments that would be paid to the person, depending on the degree of their disability as diagnosed by DWP. The table could be quite easily drawn up from the data that the Department already has. A great number of such cases have been settled, so we should be able to construct a table showing the payments that would accrue to a person with lung loss, from 10 per cent. right up to 100 per cent. If it were divided into tenths, with a payment for each degree of lung loss, when a person was diagnosed under the DWP scheme he could immediately make an application for a payment from the COPD scheme administered by the DTI health unit. Such a scheme would be much easier to administer. There would certainly be cost savings and it would deal with the situation justly.

There is a fourth option that the Minister could consider: to introduce what I would describe as a post-handling agreement scheme. It would be similar to the scheme I have just outlined but would be for all former miners who had not made a claim under the existing scheme and for current miners who might develop the disease in the future. At the same time, it could incorporate surface workers who had worked in dusty conditions.

I agree that the Minister will need to negotiate, perhaps with the unions and their solicitors, as to which surface jobs were the dusty jobs that should be included in the agreement. I sincerely hope that, as a result of the debate, the Minister will act on what his predecessor said, and with maximum energy work to resolve the issue in a just way that pays compensation to surface workers who have worked all their lives in dusty conditions.

5.6 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I congratulate the hon. Member for Barnsley, West and Penistone (Mr. Clapham) on an excellent speech and on the four or five options that he has proposed to the House. I know that he has been a valiant supporter of this cause for many years and has raised the matter constantly. I applaud him for doing so.

I shall confine my remarks to one or two aspects of the subject, as the hon. Gentleman said it all. As he rightly says, the Government allege that lawyers have concluded that there is no case to answer. I am a lawyer and I have spoken with a firm of solicitors in south Wales that was heavily involved in the original litigation in 1997 and is prepared to do the work for free. Those solicitors will undertake the pro bono work, but they will not risk their individual miner clients having to pay an adverse costs order, which is, I regret to say, the bully-boy tactic currently employed by the Department. If a person is threatened with an adverse costs order, even if his lawyers are working for free, he has to pay the bank of QCs employed by the DTI, and he pays heavily.

How many people in the industry have been injured through no fault of their own, but through the negligence of the DTI and the coal board? They were injured in the course of their duties, yet they are expected to put everything they have on the line to prove a point. That is not likely. At the very least, there is a moral case, whether or not the legal case is watertight.

There is a legal case. Where does the slate dust come from? As the hon. Member for Bolsover (Mr. Skinner) said, it is all the same coal. Both he and the hon. Member for Barnsley, West and Penistone speak from experience. I do not, but I value the fact that they are experienced and saw things at first hand and can tell us about them today.

Surface mineworkers obviously have a case that should be met. The Government are saying, in effect, "Well, take us to court but if you fail we will cripple you in costs". That is not a proper way to deal with the matter.

In many cases, as has already been said, dust levels in coal preparation plants and washeries were even worse than under ground, although no tests were regularly carried out. Therefore it is clearly unjust that these employees of British Coal have not been awarded compensation under the scheme in place.

We have heard about the note from the senior civil servant who, allegedly, is still in post. She had committed herself, but mysteriously two so-called

medical experts decided a week later that the case was not so, and suddenly everything was reversed. That is not good governance.

Miners who work part of their careers under ground and part on the surface may be included in the current scheme. The Department for Work and Pensions recognises pneumoconiosis as a prescribed disease for the purposes of disability benefits in the case of coal surface workers and dock workers who have had to deal with coal. So there is a clear contradiction in the manner in which the Government are dealing with surface mineworkers.

The most telling part of the argument is that the men have a case that should be answered. They should not be excluded. They are suffering from the self-same disease as their colleagues who worked underground. The Government might at some point level the argument that there will be people who pretend to be unwell—I am not saying that the Minister will do so in this debate—but I fail to understand how any such argument could stand up. I return to the fact that it is the same dust and the same complaint. Any High Court judge would be bound to conclude that the slate dust came from somewhere—not from riding a bicycle or watching a football match. The presence of the dust caused an industrial disease and was due to the activities of people above ground just as it was for those under ground. I have thrown away a good part of what I wanted to say because it has already been said very powerfully.

It is my understanding that the trade unions are prepared to instruct solicitors and that there are solicitors who are willing and able to perform their tasks for nothing, provided that the DTI drops what I referred to as a bully-boy stance and stops threatening people with an adverse costs order. That is the proper way forward. After all, many of those involved are getting on in years and deserve some comfort. They will still suffer from this awful disease, but will find some comfort in the recognition and acceptance of the complaint.

The original NACODS case in 1998 was won through funding partly from NACODS and partly from legal aid, which is now unavailable. That avenue has been closed. The Minister may say that those involved should take out a legal costs indemnity policy, but that does not stack up. I know of no insurer that would provide an indemnity against costs in an action against a Government Department. If the Minister knows differently, perhaps he will tell us of any company that might be prepared to run such a risk. I have researched the matter and I think that there is no such company. Therefore that avenue has been closed.

The four or five options suggested by the hon. Member for Barnsley, West and Penistone should be commended and looked at very carefully. He has thoroughly researched the matter. There is support throughout the House for his views—it is not exactly huge on the Tory Benches, but that is to be expected—and they should be dealt with appropriately and thoughtfully by the Government in the coming weeks and months.

5.14 pm

Mr. Kevan Jones (North Durham) (Lab): I join others in congratulating my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on securing this debate. I initiated a debate on the same subject on 16 October 2003. Sadly, we are sitting here two years later having seen very little progress. As the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) has said, many people are suffering through no fault of their own because of exposure to coal dust while working in terrible conditions. The Minister who replied at that time—it is like changing socks, as the job seems to change hands every other year—was my hon. Friend the Member for East Ham (Mr. Timms), and I think that the post had another incumbent before the current one. I want to raise the issue of the minute, which I raised then and which my hon. Friend the Member for Barnsley, West and Penistone raised earlier. What I cannot understand is that the Government accepted liability for this case, and it was withdrawn. I want to refresh the memories of Members, the Minister and his civil servants—if they are here—about what was actually said. I want an answer to the question as I have never yet had a satisfactory one.

As my hon. Friend the Member for Barnsley, West and Penistone said, the minute was placed before Parliament on 10 July 2000. I examined a copy of it earlier to refresh my memory. It is not ambiguous in any way in accepting liability. Paragraph 5 states that:

"exposure to coal dust on the surface leads to the same lung disease as dust underground".

That makes it clear in my mind and everybody else's that we are not dealing with different types of dust, but with the same types. It continues:

"The DTI has investigated the level of dust prevailing in surface jobs in British coal mines, measures which could have been taken to reduce dust and those which were taken".

It goes on:

"The DTI proposes to accept that British Coal did not fully meet its responsibilities towards certain categories of workers in dusty jobs on the surface".

When that minute was put before Parliament, therefore, liability was accepted.

The interesting point comes in paragraph 8, which considers whom the acceptance of liability would encompass:

"acceptance of this additional liability will mean that current claimants can extend their claim to cover time spent in dusty jobs on the surface",

and then comes the killer crunch:

"and men who have only worked on the surface will be able to put in a claim".

It is therefore clear that we are dealing with the same type of dust and problems as those who worked under ground experienced, and it not only accepts liability but clearly states who is involved, also referring to people who solely worked on the surface.

I did not get a reply from the hon. Member for East Ham. I would like to know—if the Minister cannot reply tonight, I would like to have it in writing—what actual event meant that the acceptance of liability, by placing this minute before Parliament, was withdrawn. What changed in that period, and who took the decision? As I mentioned before, a certain person seems to appear at all these crimes, the author of the minute, Ann Taylor. It is important that coalmining MPs and MPs who represent former coalmining constituencies get some honest answers, as I do not understand what has changed in that period.

[Mr. Kevan Jones]

The hon. Member for East Ham who replied to my Adjournment debate talked about taking potential cases through the courts. I am sorry, but all that that will do is stuff the pockets of lawyers yet again. The people affected are getting increasingly old, are suffering, and dying. I have one constituent who comes to my surgery who can hardly walk. It is clear that he is suffering from COPD, as his doctor confirms. He worked in a surface job, and never worked anywhere else. It is not therefore the case that he somehow got this disease from some other employment.

I have been proud of the Labour Government for introducing the COPD scheme, as it has helped many thousands of people who had their health wrecked through no fault of their own. By not closing the final chapter in the story, we are tarnishing what should be a very good news story. My constituency has benefited by more than £10 million, and I know that the constituency of my hon. Friend the Member for Barnsley, West and Penistone has received a lot more, which has helped a lot of people.

If we do not try to settle this issue, there will still be injustices. In my constituency and in a lot of other constituencies, those people live next door to people who have got a settlement. They meet them and talk to them. Such injustices simply cannot continue. It is difficult to explain to those people why they cannot get access to the compensation. I should like answers to those questions, and I make a plea to the Minister: let us just try to close this chapter in what is a very successful scheme that has helped a lot of people and is something that a Labour Government should be proud of.

5.20 pm

Mr. David Hamilton (Midlothian) (Lab): I congratulate my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on bringing this issue to the Chamber for debate yet again. I will not cover a number of things because they were very accurately put forward by my hon. Friend—the detail with which he made the arguments was very good—but I want to reinforce one or two points.

Like others, I congratulate the Government. During the last election campaign, the first thing that I did when I went around the eight or so miners clubs in my constituency was to congratulate the Government on getting money to people who would otherwise never have received it. I did that purposely because there were complaints in those clubs—there were always people who worked on the surface who never got their money. I always had to pre-empt those issues. In their eyes, men were being deal with unfairly, and we must to try to deal with that real problem.

My hon. Friend the Member for North Durham (Mr. Jones) said something very important: we have won a fantastic deal for working-class people who needed that money, yet the sting in the tail is that some really important people are not getting it.

I started my working life at 15 years of age. I started at a colliery called Easthouses. There where 250 men at that colliery. The first job that I got was down on the hill—where the coal comes up the shaft and the young boys are down there on the tables taking all the coal that comes off—and it was really bad in those days, and that was a small pit. That is how everyone started in the colliery. No one ever went to a colliery and went under ground. They started on the surface and worked their way through. That was the nature of the business at that time. I went down the pit at 16 years of age—on my 16th birthday, indeed—and Monday coming will be the anniversary, but the pits changed after that. There was a drastic reduction in the number of collieries. Big, new mega-collieries were being built, and they overtook some of the small collieries. The complexity of the problem with coal dust changed dramatically over that period. There is an old saying in the collieries, "You start on the hill, and you finish on the hill" because the men were broken by the time that they had gone through their lives in the pit and they ended up back on the hill.

The major change that took place especially in the 1960s, 1970s, but even in the early part of the 1980s, was that big pits were built, the small pits were closed and men were being pulled into the centre. Along with that, major pit plant issues came forward, a major change took place in employment: people were employed to work on the surface. That was not the case in the 1950s and 1960s. What happened in the 1960s was that everyone who was employed went down the pit, by and large, unless they were clerks or bath attendants. Nearly everyone went down the pit and came back up again. So the changes that took place at that time relate to the people who we are talking about.

I worked at four collieries. I worked in Nottinghamshire for a period, with about 1,000 people at Rufford colliery. I was at Bilston Glen with 2,500 people, and I finished at Monktonhall with 2,000 people. My hon. Friend the Member for Barnsley, West and Penistone talks about bunkers that held 800 tonnes of coal. The bunker at Monktonhall pit-bottom held 1,000 tonnes of coal. The bunker at the pit-top held 3,000 tonnes of coal, and the trains went under the bunker to take it out. There was no way that people could avoid the dust. I represented people who worked in those bunkers from the very first day that they started at the pit to the last day when they finished there. Those are the people who I am talking about, and we must rethink what we are trying to do for them.

I remember when pneumoconiosis cases began. I was a young new delegate at the time, and I can remember that my senior union officials also had to deal with problems then. When the pneumoconiosis scheme began, it covered all workers, irrespective of whether they worked down the pit or on top. The bad side to that was when a union official had to go to the widow to say, "He has to get a post mortem so we can prove he had it." We became much more human at that time.

We should not forget that the industry was a public industry—it was our industry—which is why any Government have a responsibility for this. Although the industry ended up in the private sector, during the time about which we are talking it was owned and worked in by members of the public.

I am glad that the debate has been held today, even though I have missed two flights to be here. We must deal with this important issue. I hope that the Minister will rethink things over the next year. I think that he has everyone's interests at heart. He could take a clear position and do something that would be seen as fair so

that I and other hon. Members who represent mining areas could go to that small group of people and say, "Look, we've got a deal for you that's right."

May I make one point about the five proposals that have been put forward? If it is right that a man can go down the pit, work five years and then qualify, surely working in a prep plant for five years would be enough of a qualification for a person to suffer from dust. I leave it at that, and hope that the Minister can address some of the issues that have come up.

5.26 pm

Mr. Dennis Skinner (Bolsover) (Lab): I am pleased that my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) has secured the debate. As everyone knows, whenever he speaks on subjects of this nature he does so with a great deal of authority. He represented the National Union of Mineworkers for a good number of years and dealt with social insurance cases—he covered the whole gamut.

Some of us saw what happened at first hand. I went to work at Parkhouse colliery in 1949. When we were told that we had to go on the screens because we were not allowed to go down the pit until we had done our six months' training, most of us dreaded it. Sometimes we could finish up in the timber yard and that was a lot better. The screens was the dustiest place in the whole environs of Parkhouse colliery because it was where the coal came tumbling down, with the result that there was loads of dust.

I hope that the Minister realises that we used to get what was known as dust money. There would be dust money for the miners under ground and additional dust money—these were local settlements—for people on the screens. No one ever stopped to think whether that was fair. It was obviously fair because sometimes when we went down the pit after we had done our training, there was a thing called, "You're in the market". We were like cattle. We would be leaning up against a wall and they would say to us, "You'll go on one, two, threes; you'll go down the Tupton seam; you'll go here; you'll go pony driving; you'll be taking timber; and you'll be clipping on." On occasions, they would say, "We want three people to go up on the surface to work on the screens." We used to get at the end of the queue hoping that we were not called. That was how bad it was and I just want people to understand that.

I rather suspect that when those two doctors—whoever they were—went to look at conditions, they were probably not those that prevailed at that time. The situation had changed dramatically by that time and there was a lot of technology. By the time we got to 2003, there were not many pits left anyway, and some were drift mines that went straight on to the surface. The conditions were not the same, so we are talking about a different thing altogether.

My hon. Friend the Member for Barnsley, West and Penistone talked about possible solutions. He has been looking at the problem for a long time, as have many of us in the NUM group. We are trying to say to the Government that we want a ring-fenced solution. We do not want a solution that the Government would be scared of and about which they would say, "If we do it for surface workers associated with the pits, all the other surface workers in other industries will say that they should qualify as well." Every single one of my hon. Friend's proposals is ring-fenced so that it applies only to people who worked on the surface at coal mines, and I hope that the Minister bears that in mind. We are not opening a great big door.

The attraction of the scheme proposed by my hon. Friend the Member for Barnsley, West and Penistone is that the settlement would be on a par with that for the pneumoconiosis cases settled by another Labour Government between 1974 and 1976. How did that work? We had a sliding scale of payments, and the matter did not go to court. One thing that has concerned me ever since the court case in 1998 is that it encouraged hundreds, if not thousands, of solicitors to get involved. The pneumoconiosis settlement, on which my hon. Friend based his proposal for the surface settlement, did not involve solicitors to the same extent. We could have a sliding scale of payments made across the board, without recourse to individual payments. I hope that the Minister understands that that was the beauty of the pneumoconiosis settlement; we did not have this long drawn-out process in which every case had to be dealt with individually because it had gone to court—that was the tragedy of the 1998 court case. Our proposal will make sure that we cut out the hundreds of solicitors who want their share.

The next thing to remember is that we talking about a ring-fenced figure of between 3,500 and 5,000 people. My hon. Friend the Member for Barnsley, West and Penistone did not refer to that today, but he has done on previous occasions. We estimate that there cannot be more than about 5,000 people. Why? Because many of the surface workers have already been included because they worked under ground as well. We have eliminated all of those people; they are in the scheme that has now closed. We are talking about those who were only on the surface, which is why the number is very limited.

I confirm what my hon. Friends have said: the Government did a good job in taking over the scheme when Justice Turner made his ruling. It is sad that it had to be done in that way. I wish that the arrangements had been on a par with the pneumoconiosis settlement of 1974, but they were not. Somebody had to step in and provide the money, and the Government did so, albeit that the industry had been privatised and the National Coal Board no longer existed. Already, over £2 billion has been provided. Probably another £2 billion will be needed; it could even cost another £4 billion before we have finished, with some of that, a lot of it, going to solicitors.

Mr. Clapham: Too much.

Mr. Skinner: Indeed.

What we propose today is for a limited number of people. We are talking about justice for a handful of people at each colliery who worked on the surface at a certain time, on the screens and in the preparation plants. The Government did a good job in allowing the scheme to provide money for more than 500,000 people, including miners' widows and, where the widow is no longer living, their families. I say that to the Minister because when we proposed to include families, so that they did not have to make a separate claim but could use the original claim, the Government acceded to our

[Mr. Skinner]

request. We have met different Ministers at different times to discuss many other subjects, and the Government have agreed to this and that. This is the last bastion. This rounds it all off. It is for between 3,500 and 5,000 people.

I do not think that this Minister wants to let us down. He does not want to spoil the ship for an ha'p'orth of tar. We will come and meet him any time in the next few months, but we do not want further delay. We want justice so that when my hon. Friend the Member for Midlothian (Mr. Hamilton) goes to those clubs in Scotland, he doesn't think, "I've got to say something about the surface workers," but can go in and say, "I've got it at last." That is what we are after.

5.35 pm

John Mann (Bassetlaw) (Lab): I congratulate my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on securing this debate and on the clarity with which he made his case. This debate is well timed, because the Lord Chancellor and others are producing papers about access to justice. On Monday, I went to a TUC meeting on the unions' approach to access to justice. The Minister should view the problem as one of access to justice for a small number of people.

In my constituency, more than £60 million has already been paid out, and we are talking about a tiny number of people—30 to 40 surface workers—who qualify for the scheme. They have submitted an application and would like the chance to receive justice. Some of them might receive a good settlement, but others, such as some people who worked underground, might receive a small settlement. Some might not receive anything—if there is nothing wrong with their chest they are not entitled to anything. That would only be fair, but they have not had the chance to access justice. It is not only hon. Members who are baffled—everyone in my community is baffled, and they all say, "Hang on a minute: there was more dust on the surface than underground." That small number of men should have access to justice, given that the Government are introducing proposals in the next few weeks under the banner of access to justice. We must ensure that that group of workers is not let down by the Government in their capacity both as a national Administration and as a responsible employer. As such, the Government can offer a flexible remedy to that injustice.

Mr. Kevan Jones: Does my hon. Friend agree that some of those people face a double injustice? As my hon. Friend the Member for Midlothian (Mr. Hamilton) said, many people who had surface jobs and worked, for example, in the screens, did so after being maimed in accidents down the pit. Their health was doubly ruined by accidents and by exposure to high levels of dust.

John Mann: My hon. Friend is quite right and, like me, he will know people who are in precisely that situation and have a significant grievance. They all say exactly the same thing. Of course, they would like the money, and some are so sick with industrial disease that they need it. Even so, the principle is the important thing. They have given their life building this country, but they worked in health and safety conditions that were not good enough. The employer is liable, and they want justice as much as they want money to maintain a decent quality of life.

There has been a worrying development in the past three weeks, as 7,000 men received a letter from Vendside, a claims handling company that is owned by the Union of Democratic Mineworkers, about the condition of beat knee. Their cases were lodged in 2002 but, disgracefully, the organisation is withdrawing the action. The Minister may be able to help by clarifying definitions of time and the expiry of claims. Some of those 7,000 men went willingly to that company, but others were hoodwinked by an advertising campaign that did not say that it was owned by the UDM. Some of those men had been on strike for a year and some widows say that their husbands would be turning in their grave if they knew they had been hoodwinked. As has become clear in the past three weeks, those with beat knee have been left high and dry because the claims were lodged by the union with the Government three years ago. Has that organisation lodged any surface claims in that way? If there is any danger of time expiry for those with beat knee or for surface workers, will the Minister confirm this evening that that will not debar people from continuing to get justice in future?

Mr. Llwyd: I have no truck with the UDM, nor would I ever have. With regard to that litigation, I understand that there was again the threat from the Government that claimants who lost would pay adverse costs, which brought the matter to a head.

John Mann: I thank the hon. Gentleman for his intervention, but he is wrong about what was in the letter from Vendside Ltd. I have plenty of copies of it. The company is withdrawing because of the cloud that hangs over that organisation. It is a separate matter. However, on the issue of time expiry, if the company or anyone else has lodged a claim, it is not necessarily a separate matter. I ask the Minister to confirm that for both categories—those with beat knee and surface workers—if anyone has lodged a claim in that way, time expiry will not apply. Even if we get justice for a majority of that tiny number, there will be a subset who do not get justice. That cannot be right.

We—eight Members in all parts of the House—are appealing not for a good-will gesture, but for a gesture of justice to show that the compensation scheme is the best and the most generous in the world, because it recognises the scale of the industrial disease and the employer's liability for past failures. That applies equally to the small group under discussion. Let us get this small matter out of the way and continue the good work.

5.41 pm

The Minister for Energy (Malcolm Wicks): Like others, I congratulate my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on securing the debate. Thanks to time availability, we have had a longer debate than we anticipated, which is useful. I do not think that I will satisfy my colleagues this evening, but I have learned a great deal about the issue from the debate. All I can do is promise to reflect on

what I have heard. If I am not able to respond to all the points tonight, such as the one that we have just heard, I shall write to colleagues.

Settling compensation claims for lung diseases suffered by former miners as a result of their employment with British Coal is a priority for my Department. As we have heard, the chronic obstructive pulmonary disease—COPD—scheme is possibly the largest personal injury compensation scheme in the world, with about 580,000 claims registered. Together with its sister scheme, which compensates for the debilitating effects of vibration white finger, it represents a massive undertaking. Altogether, the Department expects to pay out up to £7.5 billion across both schemes. That shows the scale of the project.

To date, my Department has settled about 270,000 lung disease claims and paid out around £1.6 billion in compensation for COPD, chronic bronchitis and temporary exacerbation of asthma to former miners and their families. However, I am aware that the rate of progress has not been fast enough. That is why my Department introduced new fast-track payments to surviving mineworkers earlier this year. To date, about 50,000 claims have been settled under the new procedures since February, at a rate of nearly 2,000 per week, compared with 70,000 offers for both live and deceased claimants in 2004 across the whole of the scheme. However, I am well aware that more needs to be done, and my Department will continue to work with its claims handlers to increase efficiency and speed up the issuing of offers to mineworkers and their families. I know that that was not an issue raised tonight, but as background it might be helpful.

Let us now consider the contentious issue of surface dust. As regards former mineworkers whose employment was exclusively on the surface of British Coal's mines, there have been exhaustive efforts by both parties to resolve the issue. However, the Department has real concerns about the extent of its liability in that area, as I shall set out.

My hon. Friend the Member for Barnsley, West and Penistone noted that a minute was placed before Parliament in July 2000 that indicated a willingness by the Department to accept liability for men who worked on the surface. However, that minute did not state the extent of any liability. Indeed, it made it clear that the precise extent of the liability was still to be negotiated. I remind hon. Members that the Department agreed to pay—and does pay—compensation to men who worked both under ground and on the surface. That is because the Department accepts that where a miner has had exposure under ground that pushes him over the threshold of disability, even a small amount of further exposure on the surface could cause further damage. So I believe that the Department is meeting its obligations to men who worked in that area.

Mr. Kevan Jones: When the Minister described the minute, he used the phrase, "a willingness to accept liability". The minute does not say that. It accepts liability and goes further, by indicating that the scheme would now cover surface-only workers. It is not a matter of "willingness" because the Government accepted liability.

Malcolm Wicks: I think that it will help if I make some progress. As I have said, I will reflect on what I have heard tonight.

There is a real difficulty about men who worked only on the surface. Some hon. Members with personal experience have told us about working on the surface and I have listened to their comments, which I do not dispute. However, the issue facing us is whether that dust caused disability, which has been the key area of debate between the Department and the claimants' solicitors.

The Department's medical advice is that although a large amount of dust was present on the surface, the amount of respirable dust, which is dust that can enter the lungs and cause chronic obstructive pulmonary disease, was not present in sufficient quantities to cause the disease in the great majority of surface-only workers. For that reason, the Department has said that it is not willing to make compensation payments to surface workers, although it is willing to consider individual cases if they are brought forward on a common law basis.

The Department has always accepted that there may be some super-susceptible individuals for whom a comparatively small exposure to respirable dust may be sufficient to trigger COPD. However, my hon. Friend the Member for Barnsley, West and Penistone knows that the chest diseases caused by respirable coal dust are also caused by smoking, and that smoking is in fact by far the commonest cause of those diseases in the UK, which is a serious complication.

The Department wrote to the claimants' solicitors in February 2003 informing them that, having considered the evidence and arguments very carefully, it could not justify the admission of surface-only workers to the scheme. In July 2003, the solicitors announced in court that they intended to apply for a group litigation order to sue the Department over this issue. In order to be as co-operative as possible, the Department allowed solicitors access to British Coal archives at Cannock to help them to identify documents to assist their case. I am sure that hon. Members will appreciate that it is unusual to allow a disclosure exercise of that sort when facing legal action. That indicates how seriously this Government take their obligations to former miners and their families and our determination to get to the bottom of this difficult issue.

Mr. Clapham: Access to the archive was obviously helpful, but it was provided because it was known that British Coal did not operate a routine, so a schedule of readings was not taken over a long duration, which is one of the problems. Because those readings are not available, the claimants' group of solicitors does not have sufficient evidence to go to court.

Malcolm Wicks: In November 2004, the solicitors informed the court that they had obtained partial funding from the National Union of Mineworkers and would proceed with group litigation against the Department. However, in December the solicitors announced that they were withdrawing the litigation.

[Malcolm Wicks]

My hon. Friend will recall that at the Trade and Industry Committee hearing into the coal health schemes earlier this year, the claimants' solicitors agreed that a strong legal case in relation to surface dust and surface-only workers could not be constructed, and argued instead for compensation on a moral basis.

Mr. Llwyd: With respect to the Minister, the conclusion at that stage was that a great deal of preparatory work needed to be done by the lawyers. I am afraid that it is not accurate to say that they concluded that they could not put a case together. Will the Minister tell the House at what point the Department said, "Individuals come to us on a common law basis, but if you fail we want every penny of our costs"?

Malcolm Wicks: Obviously, we have to get this right. I will check the record of the Select Committee and write to the hon. Gentleman. I will also write to him about the timing.

The only ground on which compensation can be paid out is that of established liability. Without that, there is no moral case to answer. The Department has gone the extra mile in allowing solicitors to establish a strong case for schemed compensation for surface workers, and they have not succeeded. That is why the Department has now denied surface-only claims, which would otherwise be held up in the COPD scheme indefinitely. In doing so, the Department acknowledges that individual cases may be litigated. Anyone who feels that they have a strong case should seek the advice of their solicitor to explore that possibility. The door is not closed on the possibility of claims.

I should remind hon. Members that as long ago as the latter part of 2000, the Department offered a pragmatic compromise to solicitors to put surface workers who had pneumoconiosis, and therefore evidence of exposure to dust, through the medical assessment process, and to compensate them on a schemed basis. However, I am advised that that offer was deemed insufficient by the claimants' solicitors and was rejected. Subsequent developments mean that that offer is no longer appropriate in the light of further evidence, but it demonstrates that the Department has been willing to explore negotiated solutions all along the line.

I can assure hon. Members that the decision to exclude surface-only workers from the COPD scheme was not taken lightly— it was taken only after careful analysis and consideration.

Mr. David Hamilton: I am not a lawyer, so I do not understand the argument. Is the Minister saying that if someone who worked on the surface for all that time has pneumoconiosis and proves it, they cannot come to the Department because the offer has been withdrawn from the table?

Malcolm Wicks: There was an offer and it was not taken up by solicitors, Things have moved on in terms of the medical evidence. On a common law basis, people can present claims.

Mr. Kevan Jones: Who made the decision, when and why? Why was the minute withdrawn from Parliament? Is the speech that the Minister is reading written by the same woman who signed the minute?

Malcolm Wicks: I regret the tone of my hon. Friend's remarks. If there is an argument with the Government about anything, the proper way to conduct it is with a Minister, rather than pointing to officials who cannot answer back. Although I regret my hon. Friend's tone, I shall be helpful to him by writing to him about the precise timing.

The debate has continued for five years and the Department has considered carefully all the evidence and arguments that the claimants' solicitors have presented. I repeat that the Department will consider individual surface-only cases that are presented on a common law basis and continue to compensate mixed underground and surface workers on a scheme.

I thank my hon. Friend the Member for Barnsley, West and Penistone and other colleagues who have contributed to an important debate on an important subject. This evening, I have explained the position as the Department perceives it. However, some important points have been made and I shall reflect on them. I do not offer false hope, but I shall reflect on what I have heard and I know that the debate will continue.

Question put and agreed to.

Adjourned accordingly at Five minutes to Six o'clock.

House of Commons

Friday 21 October 2005

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

[SYLVIA HEAL *in the Chair*]

Orders of the Day

Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill

Order for Second Reading read.—[Queen's Consent, on behalf of the Crown, signified.]

9.34 am

Clare Short (Birmingham, Ladywood) (Lab): I beg to move,

That the Bill be now read a Second time.

There are two important reasons why this Bill should become law and why the House should strongly support it. The first is an argument for democracy. In our system, the power to declare war or commit troops to military action belongs to the Prime Minister. The reason for this is that it used to be a power of the monarch and therefore is still a royal prerogative, and the royal prerogative these days is exercised by the Prime Minister, with Parliament having no right to control the way in which he uses the power.

As we all know, the United Kingdom has no written constitution. The powers of Parliament were built up over a long period of history through Parliament using its power to raise taxes to insist that the monarch was made accountable to Parliament in the exercise of his and, occasionally, her powers. However, Parliament did not manage to make the monarch accountable over the right to make war. In the Act of Settlement of 1700, however, which laid down who was to succeed to the Crown after the death of Mary, wife of William of Orange, Parliament did say:

> "If the Crown and imperial dignity of this realm shall hereafter come to any person not being a native of the Kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England without the consent of Parliament."

It would seem that that section is still in effect today. So Parliament has in the past restricted the royal prerogative to make war, but as there is little prospect currently of the Crown passing to a person who is not a native of this country, perhaps it is time for Parliament to update its control over the power to go to war.

I have been shocked to discover, through reading the Library's briefing on the Bill, that the current powers of Parliament are even less than most of us had thought. Thus, even when the Prime Minister decides that he wishes to allow Parliament to vote on a substantive motion on whether to support a war, which happened, for example, under the Attlee Government over the Korean war, under the Major Government over the 1991 Gulf war and under the Blair Government more recently, just before the Iraq war, he has the constitutional right to ignore a defeat on a parliamentary vote if he so wishes.

Mr. James Gray (North Wiltshire) (Con): I think that the right hon. Lady is slightly incorrect. As for Attlee and the Korean war, the votes were after the deployment of troops. The first time—the only time in the history of Parliament—that there was a substantive vote before the deployment of troops was in respect of the Iraq war of 2003. My understanding is that, had that vote been lost, the Prime Minister would not have been able to commit troops. Is my understanding correct?

Clare Short: No, the hon. Gentleman is not correct. He is right in the case of the Korean war and the 1991 Gulf war. In those instances, the vote was taken shortly after the declaration of war. The Library briefing is absolutely clear that the Prime Minister decides whether to allow a vote and has the absolute power to ignore the result of that vote. If the vote had gone against the recent Iraq war, the Prime Minister could still have gone on with the war. That is a remarkable and extraordinary state of affairs.

The more that I thought about this situation, the more I concluded that, given the Prime Minister's powers under the royal prerogative, he could argue that he was entitled secretly to commit us to war in April 2002 by giving his word to President Bush, as has been revealed by the leaking of the Downing street memo. Similarly, the Prime Minister could insist that he was entitled to exaggerate the intelligence on the threat of weapons of mass destruction, manipulate legal advice and misreport the French position on the possible use of its veto in the Security Council. If the power to make war belongs to the Prime Minister and requires no approval from Parliament, he was entitled to do what he thought was right and then set out to persuade, in the way that he found best, the Cabinet, Parliament and country to support the decision that he had already made.

Tony Lloyd (Manchester, Central) (Lab): Does my right hon. Friend agree that the history is even more complicated? She and I were both members of the Government when Britain went to war in the Balkans. As it happens, I was very supportive of that military action. Nevertheless, at that time there was no requirement for approval and no approval was given by Parliament. That cannot be a sustainable case. In the case of Iraq, with which I did not agree, the Prime Minister did come before Parliament. The worry is that the Prime Minister's freedom of action is not circumscribed. If he or she so chooses in future, Parliament can be ignored entirely. That cannot be sustainable.

Clare Short: My hon. Friend is right. It is for the Prime Minister to decide whether to bring the issue before Parliament. He or she can do so or not do so; in

[Clare Short]

the case of the Kosovo war, there was no vote in Parliament. There is the argument that there was a vote before the Iraq war. At the last minute, when the troops were on the ground and when arms were being twisted, the Prime Minister was saying, "Please do not humiliate me in this situation." I do not think that that is adequate consultation of Parliament. It is not the way to make good decisions to protect our armed forces and the dignity and authority of our country.

As most Members of Parliament are aware, many people in Britain are very disillusioned with our constitutional arrangements and the weakness of our democracy. An elderly Iraqi engineer who had spent most of his life in the UK summarised the situation to me some time ago. He said that this is the freest country in the world; we can buy any book, arrange any meeting, organise any demonstration and have any discussion—the only problem is that the Government do not take a blind bit of notice of what the people are thinking. It is a very free country, in the sense of freedom of discussion, although there are proposals that might curtail that, but the distance between public opinion and the power of the Executive is too great in our constitutional system, and it is causing disgruntlement across the land.

It was Lord Hailsham in 1976 who said that we have an elective dictatorship, and power has centralised in the office of the Prime Minister very much further since then. I know many people who went on the march against the Iraq war on 15 February 2003, which was probably the biggest demonstration that has ever taken place in British history. As all Members will know, many, many people who went on that demonstration had never been on a political demonstration before in their lives. Many people are now very disillusioned and feel that they cannot get politicians to listen to public opinion in the UK.

Mr. David Kidney (Stafford) (Lab): Would my right hon. Friend at least give credit to those who did listen to all those people who marched through London and voted no to the war?

Clare Short: Yes, indeed; that is a matter of record, but the argument that I am putting this morning is that we have a serious constitutional problem.

Tom Levitt (High Peak) (Lab): Will my right hon. Friend give way?

Clare Short: No, I will get on a little, if I may.

Politicians are increasingly held in contempt and a declining percentage of people feel that there is any point in voting. We should be worried about that, and many Members of the House are. Given that there is no more serious decision that politicians can make than the taking and sacrificing of human life in war and the unleashing of the ugliness of war, which no matter how justified is always an ugly thing, our democracy is surely deeply flawed when the people whom the public elect have no power to approve or disapprove the deployment of our armed forces.

Mr. Paul Keetch (Hereford) (LD): The right hon. Lady is giving some very good constitutional reasons for the proposed power, but is not there a very good practical reason as well—for the morale of our armed forces? There was a huge debate in this country, to which she referred, about the recent Iraq war, and there was a debate in the armed forces as well—they were discussing these issues—and the mere fact that there was a vote in the House that went one way, although not the way that I wanted, gave them the confidence to go on and do what they did. Had there not been a vote, and had the Prime Minister ignored a vote that went the wrong way, the morale of our armed forces would certainly have been severely dented.

Clare Short: The hon. Gentleman is right. I am afraid that the morale of the armed forces remains dented, because there is a lot of doubt about the way we got ourselves to war in Iraq. An officer stopped me in Whitehall some months back and said that he was home from Iraq and going back, and that he agreed with many of the arguments that I and others had made about the way in which we went to war in Iraq. He said that it is a terrible thing for an officer to have to meet the families of soldiers who died under their command, but when one's country is not firmly in support of the war, it is unbearable. I am afraid that that is so for many in our armed forces at present. Surely, under any reasonable modern constitutional arrangements, and in any self-respecting Parliament—we will see what this House of Commons really thinks about itself today—this old-fashioned set of arrangements should be changed, and Parliament should have the right to approve or not the decision to declare war.

The Bill is part of a larger draft Bill put forward by the Select Committee on Public Administration, following its inquiry into royal prerogatives in March 2004. It has strong all-party support and was previously presented to Parliament by my hon. Friend the Member for Walthamstow (Mr. Gerrard). It is notable that when in opposition Labour promised to ensure that

"all actions of Government are subject to political and parliamentary control, including those actions now governed by the arbitrary use of the royal prerogative",

and highlighted the ratification of treaties and going to war as key areas of special concern.

Mr. Lee Scott (Ilford, North) (Con): Does the right hon. Lady agree that it should be the right of the democratically elected representatives of our country—all of them—to approve or not the decision to go to war?

Clare Short: I absolutely agree with the hon. Gentleman, both for democratic reasons and for the quality of the decision-making process, which is a point that I shall come to in a minute.

Mr. Keetch: Will the right hon. Lady give way on that point?

Clare Short: No, I shall get on. I wanted to welcome the hon. Member for Ilford, North (Mr. Scott) to the House. Hon. Members should not be mean to new Members when they seek to intervene to make their points.

In 1994, the right hon. Member for Blackburn (Mr. Straw), now the Foreign Secretary, said that

"the royal prerogative has no place in a modern democracy".

How quickly views change when the Executive power is in the hands of people who were previously in opposition.

David Wright (Telford) (Lab): I have great sympathy with the Bill in principle, but there are some problems with it, and perhaps my right hon. Friend could detail how she would deal with those. In particular, clause 2 requires the Prime Minister to look at

"the expected geographical extent of the participation . . . the expected duration of the participation, and . . . the particular bodies of Her Majesty's armed forces that are expected to participate."

My concern is that we would be telegraphing from the House how we intended to deploy our troops, exactly where we intended to deploy them and for how long. That would be a real strategic problem for our armed forces. Could my right hon. Friend explain how that would be presented?

Clare Short: Certainly. I am coming to that argument shortly.

Mr. Andrew Dismore (Hendon) (Lab): Will my right hon. Friend give way?

Clare Short: No. Let me get on a bit.

I submit that the democratic argument is overwhelmingly strong and that it is the duty of Parliament to insist on it.

The second major argument for the Bill, which deals with some of the points that have just been raised, is that, as the Butler report makes very clear, this personalised power of the Prime Minister to make war has led to a system of very informal and ill-thought-through decision making, which has put our soldiers in harm's way and created a terrible quagmire for the people of Iraq. I believe that if there had been a stronger system of accountability to Parliament it is likely that the decision about the rush to war and the handling of the situation after the military campaign would have been better considered to the benefit of all concerned. This is the second body of very serious arguments. It is for that reason that a group of families who have lost sons in Iraq have come out strongly in support of the Bill. They believe that the decision to go to war was not properly considered or properly scrutinised, and that if it had been, different decisions might well have been made.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Some hon. Members, having voted for the war and encouraged it—in fact, having egged on the Government to go to war—now attack the Government, asking why they did not do this and that. Surely those are questions that they should have asked before voting and before encouraging the Government to go to war and egging them on.

Clare Short: The hon. Gentleman is right that many hon. Members who voted for the war, having seen many documents that have come out since as a result of the Hutton inquiry and the Butler report, as well as the leaked document, feel that they were duped, and feel angry about it. This is a serious set of issues: the situation that we have in Iraq, how we got there, where we are now and how we get out of it to the benefit of all concerned, the lessons for the constitution and how to improve the quality of our decision making. We should all consider those matters and not throw brickbats at each other.

The Bill is very straightforward in conception. It lays down that Parliament's approval must be sought before the deployment of British forces in military action. It requires that when the Prime Minister proposes military action, he must lay before both House of Parliament a report setting out the reasons for the proposed action, the legal authority for it—would that not be a desirable thing?—and, to answer the point made by my hon. Friend the Member for Telford (David Wright), any detail that he thinks appropriate on its geographical extent, expected duration and which elements of the armed forces are to be deployed. The Prime Minister would have a lot of discretion on how much detail he provides to the House of Commons.

Mr. Dismore: My right hon. Friend has made great play about the importance of democracy and the right of the elected representatives of the people to make a decision. How does she square that with effectively giving a veto to the other place through her requirement that both Houses approve such a decision? Given her position on reform of the House of Lords, would it not be more appropriate for reform to come before consideration of this Bill?

Clare Short: I think that my hon. Friend will agree that we are committed as a party and as a Government to reform of the House of Lords, so he does not have to worry. When contentious legislation is introduced, many people, including me, hope that it will be properly scrutinised in the Lords, because, although we have an appointed House, it is appointed in proportion to the voting behaviour of the country. The Lords is a better scrutineer of the Executive than this House, and that undermines this House's authority.

Tom Levitt: Clause 2(c) would require the Prime Minister to come to the House with information about the "geographical extent" and "expected duration" of an armed conflict, and information about

"the particular bodies of . . . armed forces that are expected to participate".

If the situation were to change during the course of the armed conflict, would the Prime Minister have to return to the House to obtain a reconfirmation of assent? If so, the Prime Minister could find himself coming back on a weekly basis; if not, the Government would be engaged in armed conflict that had not been approved by Parliament.

Clare Short: If we are allowed to consider this important Bill in Committee, it can be amended if necessary so that the Prime Minister will not need to return to the House once approval has been given.

Sir Menzies Campbell (North-East Fife) (LD): On the legal case for war, does the right hon. Lady anticipate

[Sir Menzies Campbell]

that, before a decision was taken by this House to support the Government's policy, the House of Commons would see an extensive opinion, such as the 13-page document produced by the Attorney-General on 7 March, rather than the one-page response to a question in the other place on the day?

Clare Short: One of the very troubling issues about the route to war is the way in which the longer legal opinion was kept secret from everyone, including members of the Cabinet. If such issues had to be brought before Parliament, the legal case would be more thoroughly scrutinised and the machinations and shenanigans, which are so troubling, would not occur. There is a democratic case for the Bill, but there is also the powerful argument that it would make for better decision making and protect our armed forces and our country's reputation.

John Hemming (Birmingham, Yardley) (LD): Does the right hon. Lady agree that one of the critical points about the Bill is that the consideration should happen before the deployment of troops, which means that this House would not get bounced into taking a decision? When the party that forms the Government is backed by only one in five voters—furthermore, some parts of the Labour party do not support the Prime Minister—it creates a dangerous situation in which too much power is concentrated in one individual.

Clare Short: I agree with the hon. Gentleman that having a vote before any troops are deployed would allow the whole issue to be properly considered. Once the troops are on the ground, Parliament is in a very difficult situation. Many hon. Members voted against their better judgment because troops had been committed, and the Bill would ensure that that does not happen again.

The Bill also provides for a situation in which the Prime Minister decides that participation in armed conflict is urgent and that deployment should begin before a report is laid before Parliament. In those circumstances, retrospective approval can be sought as soon as it is practicable to do so. If retrospective approval were denied, the forces would have to be withdrawn within 30 days, or a longer period could be allowed if the Prime Minister considered that it was needed in order to organise a withdrawal. If Parliament were not sitting or immediate action were needed, the Bill would allow the Prime Minister to come to Parliament after troops had been deployed.

John Barrett (Edinburgh, West) (LD): On parliamentary democracy, does the right hon. Lady agree that the backing of Parliament would help not only the Prime Minister of this country but the leader of any country? It would be ridiculous if Iraq's leader had the power to go to war without the backing of its parliamentary democracy, which we supposedly went to war to try to install.

Clare Short: I agree with the hon. Gentleman. Neo-conservatives in the United States, who now have some influence in this country, keep making the point that democracies do not go to war. Is this a democracy, and is the United States a democracy? That argument is very strange. The fact that the Prime Minister can defy Parliament is an embarrassment to our name as an ancient democracy.

Mr. Sadiq Khan (Tooting) (Lab): Is my right hon. Friend aware that the USA passed the war powers resolution in 1973 because of those concerns? It states that if approval is not obtained within 60 days, the President must withdraw US forces within a further 30 days.

Clare Short: My hon. Friend is right. Those who say that the Bill is not practical and that the US is our great role model and ally seem to be unaware of those constitutional arrangements.

The Bill defines armed conflict as armed conflict to which the Geneva convention and its protocols apply. The Library briefing discusses whether that is the best definition and whether Parliament wants the Bill to apply to peacekeeping operations, but it seems to me that those are points to consider in Committee. The principle behind the Bill is clear, and we can discuss the detail in Committee. In my view, Parliament should approve peacekeeping operations, but we should have a special procedure when rapid deployment is required.

I welcome the formation of the [illegible] rapid deployment force, which will particularly help with peacekeeping in Africa. That force should be capable of rapid deployment, in which case the matter should come before Parliament after deployment. We can discuss the definition and whether it requires modification when we get the help of parliamentary counsel, in order to ensure that we get the handling of peacekeeping operations right.

The accountability of the Executive to Parliament is an important democratic principle that should surely be extended to the making of war. Having recently lived through the decision to go to war in Iraq, we owe it to our armed forces and the reputation of our country to put in place arrangements that will ensure that a decision to go to war is more thoroughly considered.

Mr. David Burrowes (Enfield, Southgate) (Con): Although I respect the right hon. Lady's concerns about parliamentary approval and proper scrutiny, is there not a concern that this Bill and this debate will become a Trojan horse for voicing disapproval about going to war in Iraq? The real problem is not the current constitutional powers, but how the Prime Minister applies them and abuses them.

Clare Short: The issue behind the Bill is wider than Iraq, but we have all had recent experience of the route to war in Iraq. The informality of the way in which the decisions were made, which the Butler report fully documents, is worrying—decisions are not well made when they are made informally. Some things are so important that one needs papers, formal decision making and wide consultation in order to reach the best possible decision.

The hon. Gentleman is wrong to suggest that the Bill does not address the profound constitutional and democratic principle of the accountability of the

Executive to Parliament. As I have said, we need procedures that will ensure that decisions are better made in future, because we cannot leave it to the personality of an individual Prime Minister to adopt suitable procedures. My experience over the years is that, as power concentrates in No. 10 Downing street and the Prime Minister's office, successive Governments build on that concentration of power. Executives like power to be concentrated in their hands, and it is the duty of Parliament to restrain that. That is the story of Parliaments across the world throughout time, and it is the role that we should ensure that we play today.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): The right hon. Lady says that we owe this measure to the armed forces. I was in Iraq in early March this year, and I was surprised by the number of senior officers who volunteered to tell me that they questioned the legal authority for participation in the war. The Bill would go some distance towards repaying what we owe them.

Clare Short: I very much agree with the hon. Gentleman. I have read in the press—I do not know about it personally—that a decorated soldier, having read the leaked legal opinion, is refusing to serve and is being court-martialled. We should not be putting our troops in such situations; it is appalling that any serving officer should feel so worried that he has to refuse to go back to Iraq and therefore be court-martialled.

It is our duty to put in place arrangements that ensure that the decision to go to war is more thoroughly considered. The requirement for parliamentary approval for the deployment of the armed forces in conflict would improve our democracy and the quality of our decision making.

In conclusion, it is notable that the latest state of the nation poll carried out by the Joseph Rowntree Reform Trust in 2004 says that 83 per cent. of the people of this country agreed that

"the Prime Minister should be bound by law to seek approval from parliament before committing Britain to war or other military action"

and that just 16 per cent. thought that

"as now the Prime Minister should retain the power to decide whether or not to commit Britain to war or other military action."

10.1 am

Mr. David Heath (Somerton and Frome) (LD): I congratulate the right hon. Member for Birmingham, Ladywood (Clare Short) on introducing this enormously important Bill. Contrary to what the hon. Member for Enfield, Southgate (Mr. Burrowes) said, it is not an opportunity to rehash the arguments for and against the war in Iraq—it concerns an important constitutional issue.

The experience of having gone through the decision-making process that led to the conflict in Iraq is bound to colour the views of those Members who were party to that decision. I do not believe that anyone who was in the House during the last Parliament will forget the debate that we had in March 2003 and the level of responsibility that fell on our shoulders in making our decision in the vote that led young men and women to be sent in support of this country on a military expedition. As the right hon. Lady says, no more difficult decision can be placed on any politician, whether in Parliament or in the Executive: it is literally a matter of life and death.

Mr. Gray: The hon. Gentleman implies that he supports the Bill. There were three substantive votes on the matter, one as early as the previous November. Will he explain what would have been different in the run-up to the Iraq war had the right hon. Lady's Bill been law at that time?

Mr. Heath: It might have more sensible for the hon. Gentleman to allow me to make my speech instead of intervening during the opening sentences. The legal advice states a very clear position that would have made a difference—*[Interruption.]* If the hon. Gentleman would stop chuntering from a sedentary position he would hear my answer. I am told that the legal advice would have changed the views of several of his hon. Friends, quite apart from anybody else. It would not have changed the views of any Liberal Democrat Members because, from the start, we were united in our opposition to the war.

I am a Member of Parliament who represents a military establishment—royal naval air station Yeovilton, which I frequently visit to speak to the people stationed there. I have 40 Commando very nearby, and many of those Royal Marines live in my constituency. The infantry at Warminster are also very close. The serving forces personnel and their families who expressed their concerns to me expected that their Member of Parliament would have some influence, albeit small, on what was going to happen in relation to their futures. The same should go for every Member of this House, as I am sure that we all have service family constituents. I hope that some of us feel that before we commit young men and women to conflict we should, at least metaphorically, walk a mile in their boots in order to understand what we are asking them to do in our name.

The phrase, "in our name", is also a factor for the wider population, because when we enter a conflict, we do so in the name of the people of the United Kingdom, who believe that their democratic systems have some influence on that decision. The right hon. Lady is right to say that this is a matter of democracy—it is about democratic renewal and making our democracy fit for the circumstances of a modern country. If one wants to find a reason for the apparent disengagement of the public from the political process, one need look no further than the fact that it appears that the people whom they elect do not have the capacity to play a part in the most important decision that comes before the body politic. Why on earth should they rely on the ballot box if their elected representatives have no say in such a crucial matter?

Mr. Eric Joyce (Falkirk) (Lab): I am slightly puzzled by more than one dimension of the hon. Gentleman's argument, but one in particular. There was a vote—in fact, there were three, as the hon. Member for North Wiltshire (Mr. Gray) said—before taking military action in Iraq. Why does that vote not affect his view of the legitimacy of that conflict? *[Interruption.]*

Mr. Heath: The hon. Gentleman asks why that vote did not fit my requirements, but I have to say that in

[Mr. Heath]

large part it did. I am saddened by the fact that the House was not in full possession of the facts at the time, or was sometimes in possession of facts that later proved illusory, shall we say. The decision to put the matter before the House was right. If the hon. Gentleman agrees, he should support the Bill, because it would make it a matter of course for such decisions be put before the House.

Mr. Keetch: At some stage in the future, a Prime Minister will need to return to this House wanting to deploy armed forces again. The concerns that we and many other people had about the run-up to the last war make it necessary to establish correct procedures as to how that is done, so that the House, the country and our armed forces can have confidence in that decision.

Mr. Heath: I entirely agree with my hon. Friend. The genie is out of the bottle now that the precedent has been set. It would be extremely difficult for an Executive not to bring such a matter before the House in future, so why not make it a matter of statute rather than subject to the discretion of the Government of the day, which might be abused?

In constitutional terms, we are talking about what one academic has described as a relic of fiscal feudalism—the old prerogativa regis. It is extraordinary that that should persist in a modern, parliamentary democracy. I am indebted to Martin Kettle of *The Guardian* for drawing attention to A.J.P. Taylor's "English History 1914-1945 (The Oxford History of England)", in which he describes the declaration of war in the first world war as being,

"as though King George V still possessed undiminished the prerogatives of Henry VIII."

That remains the case, with one exception. The Crown has rather less of a part to play than King George V played in the first world war because the decision is now taken by the Prime Minister and the Defence Council, not necessarily with the support of the Prime Minister's Cabinet colleagues. Indeed, there is no requirement to consult the Cabinet on something so important.

In constitutional terms, there is the concept of royal prerogative and the Crown in Council, but there is also the concept of the Crown in Parliament, which is equally or more important. When we take such essential decisions, we are talking about the Crown in Parliament: the view of the elected Chamber along with the Crown. It does not mean the views of a small number of members of the Executive who may or may not have access to the relevant material in support of the decision taken.

What are the possible arguments against the Bill? The first is simple constitutional intertia: "because that is the way it is, that is the way it shall be". That does not merit a moment's consideration. I hope that the Government remain a reforming Government—they claim to be, although, in constitutional terms, they are mired. However, I hope that some of the sentiments that the Foreign Secretary expressed about reform, as quoted by the right hon. Member for Birmingham, Ladywood, still hold true.

The second, perverse argument against the Bill is its supposed impact on military morale; the Leader of the House was cited in one newspaper as suggesting that a debate in Parliament on whether to send forces into battle would damage military morale. Exactly the opposite is true, as my hon. Friend the Member for Hereford (Mr. Keetch) made clear. I have spent some time with the Royal Marines in the past year. They owe their loyalty to the Crown and to the country, not to the Prime Minister of the day.

John Hemming: Does my hon. Friend agree that, in commitment to the rule of law, Parliament is responsible for ensuring that military action is lawful before troops are employed? Does he also agree that it is rather sad that so few—I count about seven—Conservative Members are present, thus showing their lack of commitment to ensuring that military action is lawful before troops are employed?

Mr. Heath: I hear what my hon. Friend says but I am not sure that that is a conclusion that one can necessarily draw. However, legality of action is critical to military morale. We live in an increasingly complex world, where increasingly complex rules apply to conflict. The declaration of war of the old days is a thing of the past. Nowadays, that is not a basis for the legitimacy of military action. It is therefore even more important that the members of Her Majesty's forces understand the legality and legitimacy of their actions and that they have the support of the representatives of the people.

Tom Levitt: Will the hon. Gentleman give way?

Mr. Heath: I have taken many interventions but I shall take one more.

Tom Levitt: The hon. Gentleman is being incredibly generous, as he says.

When I intervened on my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) earlier, I was trying to deal with morale. When troops are committed, their conduct is clearly governed by international law. However, if the Bill were passed, they would be bound not only by international law but by the terms of the motion that the House passed prior to their engagement. That would mean the possibility, because of changing circumstances, of their having to operate outside the terms that the House had determined. They would not therefore know the legal status of their further action if the situation developed unless the matter came back to the House. Would not that undermine the morale of troops in theatre?

Mr. Heath: I must say to the hon. Gentleman, in all gentleness, that that is a rather preposterous suggestion. I do not expect Parliament to vote on the precise terms of engagement and deployment of Her Majesty's forces before the commencement of conflict.—*[Interruption.]* The hon. Gentleman may point at the Bill, but that is not within its terms and nothing will persuade me that it is.

David Wright *rose—*

Mr. Heath: I am sorry but I shall not take a further intervention on that point.

There are questions about definition, which need to be considered seriously in Committee and on Report. As I said earlier, we no longer have simple declarations of war. Things have moved on a little since Henry VIII. Many academics argue that there will never be a declaration of war again and that we now engage in conflict within the parameters of United Nations resolutions—or otherwise. The same goes for peacekeeping or peacemaking expeditions. Many conflicts fall short of a declaration of war by one state on another, so we must therefore explore the required definition in Committee, but that is no reason for opposing Second Reading.

The worst argument against the Bill is that the House might disagree with the Executive. That is our right as a Parliament. If the Executive cannot command the support of the House, they have no business sending forces into conflict. It is inconceivable that that should happen.

There is much to be said for the Bill. It brings our constitution up to date and sets down what will increasingly, and necessarily, be the practice. It has the huge advantage of conferring legitimacy on actions that Her Majesty's forces take and would ensure that the legal advice on which action is taken came before the House. The latter is controversial in the context of the Iraq conflict, but there is a deficiency in the Attorney-General's job description. I believe that the Attorney-General has a duty to the country as well as to the Executive in providing advice, and especially to the Crown in Parliament. That means giving advice to the elected House.

It is important to forces in the field that they have a prior indication of support from the House. Support after the beginning of a conflict is different. Those of us who strongly oppose the deployment of our forces will not oppose the interests of our troops in the field because they are our sons and daughters, our families and our friends who are in danger, acting on behalf of this country. Of course we support them in the field but we may have grave doubts about the wisdom and the correctness of their being deployed.

The measure is supported by a wide range of hon. Members, including senior members of the Government and previous members of the Government. One only wishes that Robin Cook were here to lend his support in person.

I am in a pleasant position because the Bill reflects my party's policy. Although it is a private Member's Bill, I have no hesitation in asking my hon. Friends to support it. I hope that all hon. Members will support it because it concerns Parliament asserting its rights in a democracy and affirming the fact that it speaks for the people of Britain. If Parliament is not prepared to make that assertion, one wonders what it is for.

10.19 am

Mr. Gordon Prentice (Pendle) (Lab): I promise not to take long, but I want to put on the record my thanks to the Member for Birmingham, Ladywood (Clare Short) for bringing forward this Bill, which is long overdue. I want to pick up where the Member for Somerton and Frome (Mr. Heath) left off: who wants the Bill? The former Leader of the Opposition, the Member for Richmond, Yorks (Mr. Hague), wants it. Lord Hurd, the former Conservative Foreign Secretary, wants it. Our friend and former colleague, the late Robin Cook, wants it. The Foreign Secretary, I suspect, wants it, because my friend from Ladywood quoted his remarks from way back in 1994. He said that the

> "royal prerogative has no place in a modern western democracy"

and that it

> "has been used as a smoke-screen by Ministers to obfuscate the use of power for which they are insufficiently accountable".

To his credit, he argued for a vote in this place before the Government took the nation to war.

Who else is for the Bill and the principles behind it? The Member for Kirkcaldy and Cowdenbeath (Mr. Brown), who could become the next Prime Minister, is in favour. So who is against? The Prime Minister is against the Bill. Iraq is like a ball and chain round his ankle, and he cannot bear the thought of prime ministerial powers being fettered in this way, but it will happen.

I want to put the Government's position on the record. We discussed the issue of the royal prerogative in the Public Administration Committee in 2004, producing a good, considered report and spending a long time on it. It bears reading and re-reading. The Government responded to our report, which recommended that parliamentary approval should be sought, if possible, in advance of armed conflict, but if that were not possible, as soon afterwards as may be, by saying this:

> "The Government's view is that the pragmatic approach, allowing the circumstances of Parliamentary scrutiny to reflect the circumstances of the armed conflict, continues to be the more effective approach."

That is just pathetic. It is the Member for Sedgefield (Mr. Blair) who believes this, not many others on the Labour Benches.

Why is this Bill needed? I will tell the House why. Because of the chaotic system of decision making in the run-up to the war. If parliamentary approval had been necessary, members of the Cabinet would have got involved, rather than acting as a kind of stage army—wheeled into No. 10, given a few PowerPoint presentations and being told by the Prime Minister, no doubt, "If you knew what I know; if you could see what comes across my desk." All that kind of stuff.

If members of the Cabinet had insisted that the papers that had been prepared by the civil service be circulated in advance, that would have made a difference. Instead—I do not want to be offensive—it was like turnips round the table, with no one asking the simple, obvious questions. I think we still have a Minister without Portfolio. Have we? Well, the Minister without Portfolio should be charged with the task of asking simple and obvious questions in Cabinet. We need that.

My friend from Ladywood famously told the Cabinet Secretary, Sir Andrew Turnbull, that he allowed the decision-making structures to crumble on his watch. I am not going to rerun the history of Iraq, but this is relevant: she went on to say that the Cabinet Sub-Committee that deals with defence and foreign policy did not meet in the run-up to the war.

Now, we had Sir Andrew Turnbull in front of the Select Committee and I put that to him. I said, "Clare Short alleges that the defence and foreign policy

[Mr. Gordon Prentice]

Committee did not meet in the run-up to the war in Iraq. Is that true?" He said, "No, not really." He was very economical with the truth. He went on to say, "But the Cabinet discussed it on 24 occasions." Of course they did not discuss it; there were no papers circulated. It was the Prime Minister just giving a little update on what he thought was relevant.

So, that is why we need the Bill. I have no confidence at all in the Cabinet being fully engaged if there was a problem in Iran, for example. Of course, there are some things about this that I still find absolutely incredible. The Prime Minister was famously ignorant of whether the weapons of mass destruction were strategic or battlefield. That is absolutely, literally incredible.

Madam Deputy Speaker (Sylvia Heal): Order. I wonder whether the hon. Gentleman would relate his comments to the content of the Bill.

Mr. Prentice: I am coming on to that. I just want to say that I asked the current Cabinet Secretary whether the decision-making procedures that lie behind this—reasons for introducing the Bill, including the paper trails and the papers circulated to Cabinet Ministers beforehand—

Madam Deputy Speaker: Order. I do not doubt that there is a relationship, but what I would like to happen now is the hon. Gentleman relating his comments to the content of the Bill.

Mr. Prentice: I would like to speak about what the Public Administration Committee said about the prerogative powers. I mentioned earlier that the former Foreign Secretary, Lord Hurd, wanted a change. He told us that

"modern conditions demanded that any major military action should have explicit parliamentary approval"

and added that

"'there should at least be a convention' that 'where there is a substantial exercise involving sending people to kill and be killed on behalf of the country, then that should be with the consent, prior or at any rate immediate, of the House of Commons'."

Mr. Joyce: When there is a Labour Government.

Mr. Prentice: Does my friend want to intervene?

Mr. Joyce: I am happy to intervene and I thank my hon. Friend for giving way. The point I was making is that Lord Hurd was in government for many years, but restrained himself from making that very point. Lord Hurd's point, if he had continued it, would be to put it in brackets at the end that he would be happy to have those powers as long as there was a Labour Government.

Mr. Prentice: I am trying to get away from all this tribal stuff.—*[Laughter.]* I find it very difficult, but I am doing my best. The Member for Richmond, Yorks—I see eye to eye with him as well—spoke to the Public Administration Committee on the royal prerogative.

The Leader of the House of Commons (Mr. Geoffrey Hoon): My hon. Friend has just quoted Lord Hurd with approval, saying that there should be a convention that there should be a vote. Does he support Lord Hurd saying that there should be a convention or does he support the Bill?

Mr. Prentice: I am coming on to the point about a convention.—*[Interruption.]* I am answering the Member's point. I am coming to whether the vote that we took on 17 March 2003 establishes a convention that renders the Bill introduced by the Member for Ladywood redundant or otiose.

The Member for Richmond, Yorks said that it

"should be laid down in an Act of Parliament or in the Standing Orders of the House . . . the power to commit troops to action needs codifying, so that parliamentary approval is required before it takes place or as soon as possible thereafter if the circumstances do not permit such a vote to be taken beforehand".

That is a former Conservative Leader of the Opposition. The fact is that parliamentary approval for military action is not required by law. That needs to change.

On the constitutional convention, an eminent person, Professor Rodney Brazier, advised the Public Administration Committee when we produced our report on ministerial prerogative, and he said something important:

"It has been argued that because the Government obtained prior parliamentary approval for the war in Iraq in 2003, a constitutional convention now requires any Government to obtain parliamentary consent for any future armed conflict, expressed through substantive motions in each House."

He continued:

"As with any constitutional convention, however, such a rule would be open to interpretation, and there would, of course, be no legal obligation behind it."

That is the reality.

Mr. Llwyd: May I support the hon. Gentleman's argument by saying that, allegedly, according to the Government, there was a convention that the Attorney-General's full opinion should not be disclosed, although that was proved to be wrong? This Bill would make sure that that opinion was also produced.

Mr. Prentice: That is a very powerful point. There are many good reasons for trying to get this Bill into Committee and on to the statute book. I have made my position clear, and I am sorry that I strayed out of order. This is an important issue, and it is too important for the arguments to descend to party political point scoring—I am not interested in that at all. I hope that the Bill is approved today, given a fair wind in Committee, and that it gets on to the statute book.

10.31 am

Mr. Roger Gale (North Thanet) (Con): May I echo immediately the sentiments expressed by the hon. Member for Pendle (Mr. Prentice)—this is far too important an issue for party political point scoring. I congratulate the right hon. Member for Birmingham, Ladywood (Clare Short) on using her success in the ballot to bring forward such an important measure, which I shall certainly support for reasons that will quickly become clear.

When we come to this place, we are told, and should be told and reminded, that the first duty of government is the defence of the realm. That has always been

paramount in the mind of the Government and the monarch, the Government and the constitutional democracy and of Parliament. This Bill changes none of that. The first duty of Parliament is also to hold the Prime Minister and the Government to account. The hon. Member for Somerton and Frome (Mr. Heath) reminded the House that the loyalty of our armed forces must be to Crown and country, not to the Prime Minister of the day. It is also right to remind ourselves that the Prime Minister of the day—of any day—is not our commander-in-chief or Head of State, as is the President of the United States of America. Today happens to be the 200th anniversary of the battle of Trafalgar, and the message that has echoed down the centuries from Admiral Lord Nelson that every man shall do his duty is not affected one iota by this Bill or any of its contents.

The right hon. Lady has brought forward the Bill at this time because of the circumstances surrounding the commencement of the most recent war in Iraq and because of the manner in which Parliament and the Government handled that issue. Parliament has been disturbed by the timing of the decision, which was not, many of us believe, even really taken by the British Government, and certainly not by the British Parliament, but most probably at a meeting at Camp David, some nine months before, between the Prime Minister of the United Kingdom and the President of the United States. Parliament only found out about it later.

My hon. Friend the Member for North Wiltshire (Mr. Gray) said that Parliament debated the issue before troops were deployed. I do not wish to contradict him, but Parliament did not. The troops were deployed, although not committed to battle, well before Parliament had any say in the issue, and clearly, the timing of the manner in which this House and the other place are allowed to consider these issues is crucial.

Mr. Gray: My hon. Friend is right to pick me up in that troops were of course deployed in Kuwait prior to 18 March when the substantive debate took place in this House. There were, however, substantive debates on 25 November and 26 February, and on both occasions there were substantive votes in this place, the loss of either of which would have prevented the Prime Minister, politically, from taking us to war. He is therefore right that the third vote was after the deployment of troops, but the first two were not.

Mr. Gale: I stand mildly, but only mildly, corrected, because the fact is, as the right hon. Lady pointed out in her opening remarks, that under the royal prerogative, as it is currently abused—I use that word advisedly—the Prime Minister does not have to pay any attention to us. He or she can do what he or she likes, and clearly he did in this case. The timing of the information to Parliament is crucial.

Jon Trickett (Hemsworth) (Lab): Neither of the two motions on 25 November 2002 and 26 February 2003 refers to deployment or armed conflict; they both refer to United Nations resolutions. Does not that invalidate the point that the hon. Member for North Wiltshire (Mr. Gray) was making?

Mr. Gale: With respect to the hon. Gentleman, what matters is how and when Parliament, in both its Houses, is consulted. This Bill makes provision for urgency. Clearly, nothing can be allowed to fetter the Government of the day in their urgent need to offer immediate response to a threat to the security of the United Kingdom's shores. There is provision in the Bill for a swift but nevertheless retrospective discussion of any such deployment or commitment to action. We must all understand that those responsible for such decisions need to be able to respond in time rather than too late, under certain circumstances—they cannot hang around waiting for us to take a vote.

The information that was given to the House was, shall we say, less than adequate, and perhaps slightly misinformed. As a result, the House was misinformed. A number of Conservative Members, prior to the vote on the Iraq war, were deeply concerned, as I am sure all hon. Members were. We asked to see the then leader of our party, my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), and the then shadow Foreign Secretary, my right hon. and learned Friend the Member for Devizes (Mr. Ancram). Some 15 or 20 Members were present in the shadow Cabinet room, and we were told in terms by a soldier, the leader of our party and an entirely honourable man that he had been satisfied, on Privy Council terms, by the information given to him by the Prime Minister of the United Kingdom, that the security of our country was at 45 minutes' risk and that there were weapons of mass destruction. That was the information that he had been given, we had to trust him, and we did, because we had no other recourse. It turns out that not only the information that we were given but that he had been given was mildly inaccurate.

This is about the royal prerogative—the abuse of the royal prerogative. There are those outside this place who do not really understand the system, any more than some of us did before we began to look into this issue, and who believe that to trample over the royal prerogative is somehow to be rude to Her Majesty the Queen. Of course, nothing could be further from the truth. Her Majesty has nothing to do with this. This is about whether, in this day and age—as the right hon. Lady said in her opening remarks—the manner in which the royal prerogative can be used and abused by any Government and any Prime Minister is appropriate; and the answer has to be no.

What we seek, and what the Bill seeks, is a clear system that lays down in statutory terms—not by convention, if I may use the word employed by the Leader of the House—the right of Parliament to be informed and to hold the Government to account. As the hon. Member for Pendle said, if the Prime Minister or the Government—any Prime Minister or any Government—must come to the House and make the case, you can bet your sweet bippy that the work will be done properly in advance, and the real argument will be given to the House because the House will have to be persuaded.

I have a personal interest in this matter, on behalf of a constituent. On Wednesday, the right hon. Lady gave a number of bereaved families an opportunity to call at Downing street to present a letter, and to make their views known. One of the ladies there was Ann Lawrence, whose son Lieutenant Marc Lawrence, a naval aviator—my young constituent—was one of the first of our serving men to be killed in the conflict, when

[Mr. Gale]

two helicopters collided in the Gulf. She and her family have felt passionately since that happened that they deserve, and are being denied, answers.

When, as has been the case more than once in the House—I would guess that this is true of all Members—I am required to vote on whether to send our finest young men, and sometimes women, into battle, to face the possibility and in some instances the inevitability of death, I do not do so lightly. I am blessed with three children. Not one of them is in the armed forces, but all three are of military age. Before I vote on such an issue, I ask myself whether I would be prepared to allow my daughter or my sons to go into that conflict for that cause. Is it just? Is it legal? Is it right? I must be satisfied that the answer is yes; and I am dismayed to find that in the case of the most recent conflict—with hindsight—the answer is probably no.

Parliament must be given the right to determine "just" and "legal". That is in the interests of our armed forces, the men and women whom we send into battle to do our dirty work for us—for that is what it is—and in the interests of the bereaved families. It ensures that the people whom they loved can rest in peace, and that they themselves can rest in peace.

It will, I am sure, be said by Ministers, and possibly by some of my hon. Friends, that the Bill is imperfect. Of course it is: it is a private Member's Bill. But as you know, Madam Deputy Speaker, I have on occasion worn another hat and presided over legislation in Committee, as you have done in the past. Over the last seven years, I have presided over a number of Government Bills that have been subject to, shall we say, modest amendment—to the tune of 300, 400 or 500 clauses. So do not let any Minister come to the House this morning and say that the Bill is flawed, and must therefore not be passed. The Bill needs and deserves a Second Reading. I believe that the country wants it, and I hope that the country gets it.

10.44 am

Paul Flynn (Newport, West) (Lab): It is a pleasure to follow the hon. Member for North Thanet (Mr. Gale). I agree with almost every word of his speech. It is good that the speeches we have heard so far have been serious speeches about the issue that faces us. We all know the reality of this place: we know that there are assassins of Friday morning Bills who turn up regularly. They are often the same people, with the same briefing from the Whips Office. I have not received any briefing about the Bill from the Whips Office this morning; it must be an oversight. I appeal, however, to Members who may have such misinformation about their persons to ignore it, listen to the serious debate on the Bill, and look to their role as parliamentarians.

Only twice in my lifetime has my country gone to war without the wholehearted support of the entire nation. Those occasions were Suez and the second war in Iraq. At the time of Suez, we were given a good deal of propaganda about this great attempt to liberate the world and stand up for western civilisation, but we all know now that it was actually a squalid conspiracy between Britain, France and Israel. It was an entirely unjustified war, which resulted in loss of life.

It worries me greatly that, as the hon. Member for North Thanet pointed out, we did not vote on the first Iraq war, but in the Adjournment debate that took place I voiced my support for the invasion because of Iraq's action against Kuwait. There were very few casualties in that war, but one was a young man from a family who were well known, and who lived on the edge of my constituency. I have often thought about how I would justify my action to the parents and the brothers and sisters of that young man. Could my action in supporting the war justify the loss of his life? It is the most serious question that we, as parliamentarians, must ask ourselves. Can we say that a person died in a cause that was noble and worthwhile?

I believe that our troops, particularly in their peacekeeping role, have performed a splendid task in Kosovo, Bosnia, Sierra Leone and other parts of the world, and that we are doing a job that is worthy of their courage and their sacrifice. But the war in Iraq—

Tony Lloyd: I think my hon. Friend is about to talk about the second Iraq war, but earlier he mentioned the first. He made an important point about his role as a Member of Parliament, and his duty to be accountable to his constituents and our public. He also said, however, that there were very few casualties in the first Iraq war. In fact, there were a number of Iraqi casualties. Every Member of Parliament, in making war, has a duty to consider not just the effect on our own population—devastatingly important though that is—but the impact on, in that instance, Iraqi victims, and on the situation more generally.

Paul Flynn: We have never been told how many casualties there were, but the number is believed to be 200,000.

I took up an issue with the Government at the time. Following what had been done by one of our allies, I asked whether we could classify bulldozers as inhumane weapons under the convention against inhumane weapons, which was designed to reduce the use of, for example, the gas that was used in the first world war. In the Iraq war, in our name—in the name of the coalition—Iraqi soldiers were buried alive on the orders of an American general. Dreadful things took place in that war.

Sir Menzies Campbell: May I take the hon. Gentleman back to the first Gulf war? He will recall that the military action in that case was authorised by a specific resolution of the United Nations Security Council, and that a coalition was formed from countries all over the world that were members of the United Nations. Middle eastern countries were prominent members of the coalition. Indeed, I believe that troops from Saudi Arabia crossed the starting line first when the military action began to expel Iraq from Kuwait.

Paul Flynn: I agree with the right hon. and learned Gentleman. A case was made based on international law and the best instincts of the world to justify that war and to resist wars of aggression by Saddam Hussein. Many will speak here as long opponents of Saddam Hussein. We have no friendship for Saddam Hussein. I prize an answer I had five months before the first Iraq war when I asked the then Conservative Government to beef up the

International Atomic Energy Agency's inspections of Saddam Hussein's nuclear weapons programme. William Waldegrave replied that I should know that Saddam Hussein had signed the non-proliferation treaty and, as such, the Government had full confidence that Iraq would not develop nuclear weapons. Iraq, in fact, was developing three programmes for nuclear weapons at that time.

When it came to the second Iraq war, our argument was not that we should stop the war. We could not do that, and most observers knew that the decision to go to war had been taken many months, or possibly many years, before in America. The question, and the decision that we should have had to take in this House was whether Britain should be involved. The outcome had we not been there would have been precisely the same, even if the war might have been a day longer or shorter or lasted hours less.

Clare Short: I am not sure that I agree with that. It is true that the American plans for the war were well advanced before it was ever brought before the House. However, American public opinion, which was misled into thinking that the attack on the twin towers had been organised out of Iraq, was showing 80 per cent. in favour of war in a coalition but a majority against going it alone. The tragedy is that if Britain had used its influence better, the whole crisis might have been handled better and the whole middle east might be in a better position.

Paul Flynn: I take that point, but my right hon. Friend is aware that the document "Project for the New American Century", which was produced by a right-wing think tank in America before Bush was elected, foresaw the takeover of the middle east. The reasons given were the state of the world and its power structures for the rest of the century, and the emergence of China as the second world power. The Americans wanted to ensure that China did not have a source of oil in the middle east, and the necessity was to ensure American dominance not just of Iraq but of the whole middle east. That is what was behind the war.

This Parliament should have taken a decision. I disagree with the hon. Member for North Thanet (Mr. Gale) that having the Bill would have made no difference. It would have made a huge difference. Public anger was aroused by the war, but the public did not concentrate their anger on MPs because it was very late in the day, as a result of many business questions and early-day motions, that a decision was taken to allow the House a vote. That was resisted for a long time, and one might say cynically that it was resisted until the point when the Government were certain they would win.

Next week a book will be published presenting a picture of that process, which strikes me as surprising even though I lived through it. Philip Cowley's book "The Rebels: How Blair Mislaid His Majority" lists the Labour MPs who opposed the war. It was quite a surprise to see that although 139 voted against it in the only key vote, almost 80 more signed motions and EDMs against the war. Those people were very troubled by the war but convinced by untruths that it was essential. We have had no proper investigation or inquiry into the war. Neither of the dossiers has been corrected, but they were full of propaganda and packed with untruths. I shall give just one, from page 34 of one, where an illustration showed the size of the Iraq presidential sites in comparison with the bijou size of Buckingham Palace. This vast sub-continent of a presidential palace was shown, and the opposite page explained that the UNSCOM inspectors had never been allowed to inspect it. That was completely untrue: they had inspected the palaces, and more than once. The dossiers were full of untruths, and we all know now the mythology of weapons of mass destruction. We know that decisions were made on the basis of untruths.

Many of those Labour Members who were persuaded against their better judgment to vote for the war feel embittered about how they were treated and how their role as Members of Parliament was undermined. I have sympathy with them when they have to talk to casualties and their families now. The father of one victim of the war stood at the general election and received a sizeable vote, which represents the unhappiness of the country.

I support the Bill and ask that we pass it, not just for the reasons I have given but because of our own position as parliamentarians. We have an anachronistic piece of law that says we have the royal prerogative, but no one really understands it and it is not precisely defined. We had a splendid report from the Public Administration Committee pointing out that if we wish to modernise our democracy and bring ourselves into the 21st century, we need procedures in parliament that are reputable. We need to be accountable to the population and to represent our constituents' views.

If we come again to the position in which there is a disputed war, the whole architecture of disagreement will be changed if the Bill is passed. It is not necessary for 1 million or perhaps 2 million people to go on the streets, as people did, if they can come to us as Members of Parliament so that we may do our proper job and act as the channel for public disquiet about wars. If that had happened in the past, and if the war had never taken place, 97 brave British soldiers would be alive today, and we would have saved a huge amount of money. We might well also have improved the situation in Iraq, which we all pray will turn out to have a peaceful solution. Iraq is still in great flux, which might result in a terrible civil war.

The Bill deals with one of our basic roles as parliamentarians, and we should vote for it today, imperfect as it is. I am sure that we shall hear speeches about its various imperfections, but there are those in every Bill that comes through the House. The principle is absolutely right, and goes to the heart of our duty as parliamentarians.

10.57 am

Mr. James Gray (North Wiltshire) (Con): I have in common with all the speakers in the debate so far a deep, principled and fundamental unhappiness about the war in Iraq. I expressed that view in my own party when I was shadow Defence Minister and sought to persuade it not to support the Government in their march towards war with Iraq. As a result, I was shifted from the shadow defence team to become shadow minister for rural affairs. I continue to have that unhappiness. I abstained on the substantive vote on 18 March, although I voted with the Government on the second motion, supporting

[Mr. James Gray]

our troops as they went into battle. Our concerns about the Iraq episode, how it was justified, how the matter was spun and how we were lied to across the nation continues to give me deep, fundamental unhappiness. I remain extremely concerned about how the occupation is progressing.

I have that in common with all who have spoken this morning but, without seeking to be controversial, I am not in accord with them in concluding that the Bill would solve the problems about which I was so very unhappy. There has been an unnerving aspect to the debate so far: most people have said that they disliked the Iraq war and how we went to war, so they must therefore support the Bill. My argument will come to precisely the opposite conclusion.

The hon. Member for Newport, West (Paul Flynn) talked about modernising things. It is easy to say how awful it is that we have this 17th-century royal prerogative, that it is disgraceful, that we must have 20th-century democracy and that it is terrible because our boys are going to war. I am scarred by the fact that I stood on the windblown tarmac at RAF Lyneham in my constituency and watched 11 flag-draped coffins being taken off a Hercules—casualties from Iraq. I spent the rest of the day with the families. I am scarred by that experience, but that does not lead me simply—simplistically, or perhaps, populistically—to say that I want to change the way in which we went to war. I opposed the war, but the method by which we were taken to war does not necessarily for that reason need to be examined.

I am uneasy about the Bill because of its populist nature. It is terribly simple to say that we did not like Iraq, so we must do away with this awful thing called the royal prerogative. I had the useful experience of spending last year at the Royal College of Defence Studies, whose tie I am proud to wear this morning, where I produced a 10,000-word thesis on the way we went to war. I am pleased to say that it was published by the RCDS as part of the Seaford House papers, which are available in the Library.

I undertook significant research into the way in which we were taken to war in each conflict since the second world war. Mr. Chamberlain came to the House to make what he described as a brief statement at the beginning of the second world war. He announced that we were at war with Germany and asked Members to forgive him as he had a great deal of work to do so it would be wrong for him to spend too much time in this place discussing the war. He curtailed the debate for that reason. He said, "We can't waste time discussing it here. I must go and get on with some work elsewhere."

In Suez, Korea, the Falklands, the first Gulf war and as recently as the Afghanistan war, there was no substantive debate in this place before the deployment of troops. There were umpteen statements and Adjournment debates but not a single substantive debate that might have resulted in a vote against the Government's position.

Mr. Keetch: I know of the hon. Gentleman's interest in the subject. Does he remember the vote taken on 10 June 1940 after the Norway campaign? There was a motion of no confidence in the Chamberlain Government and, although the Government won, the widespread opposition to the Norway campaign on both sides of the House resulted in the resignation of the Prime Minister, Mr. Chamberlain, and, fortunately, his replacement by Mr. Winston Churchill. Is not that an example of a vote during a conflict that improved the situation and possibly saved this nation?

Mr. Gray: The hon. Gentleman makes a good point in support of my argument. At the time, the ships were steaming towards Norway and it would have been impossible to turn them around. The debate in March 1940 was not about whether we should go to war or whether we should go into Norway. Deployment had already occurred. The debate was about whether it had been done properly. That is the importance of the hon. Gentleman's point.

The Prime Minister and the Government are of course accountable to the House. If they took us into some absurd war that did not have popular support, or did not have the support of the House, the Government would without question fall. That is the point about parliamentary scrutiny of the Executive: it is not about telling the Executive in advance what we want them to do but about examining what they have done and if it was unreasonable—as was, apparently, the case with regard to Norway—it would result in the resignation of a Minister, or ultimately the fall of the Government. That is the nature of parliamentary democracy. The whole reason for having an Executive is that the Executive carry things out. They do things and this place scrutinises why they have done them. The Bill would remove the ability to be an Executive from the Government and make it this place that made decisions about what the Government should do.

If we had seen unfettered use of the royal prerogative in the run-up to the second Iraq war in 2003, the Prime Minister would have said, "I have the royal prerogative. I don't care what you people think in Parliament—I believe I have the Labour party with me. I intend to go to war." That is precisely what happened in every war until then. That is what happened in Afghanistan. With no vote here, the Prime Minister announced that he was sending troops to Afghanistan and that he would inform the House about what he had done. Had that been the case in the second Iraq war—had the royal prerogative been used in that way—we would have been justified in saying that it was disgraceful. We could have come to this debate and said that it was a scandal for the Prime Minister to take us into a war that was wrong and that, because we disliked that war, we should sort out the royal prerogative. However, that is precisely what did not happen in the run-up to the Iraq war. In fact, there were three substantive debates, the first of which was in November 2002.

David Howarth (Cambridge) (LD): Will the hon. Gentleman give way?

Mr. Gray: I will in a moment, but I want to answer the point made earlier by the hon. Member for Hemsworth (Jon Trickett). He said that the motion in November 2002 was not about war. The motion stated that we supported UN resolution 1441 and that this was Iraq's last opportunity to conform to it. There was a strong

implication that the consequences for Iraq would be dire if it did not comply and, if the hon. Gentleman consults *Hansard*, he will see that every speech in the debate, from Government and Conservative Front-Benchers, and especially from the Liberal Democrats, was about whether we should go to war. The debate in November was about whether it was justified for us to go to war with Iraq. Had the vote been lost, the Prime Minister would presumably have had to say, "The House of Commons has concluded that we should not go to war with Iraq, therefore we won't."

Jon Trickett: The debate on 25 November was on a motion that said that the Security Council should meet further to consider the situation if Iraq failed to comply. That immediately preceded military deployment to Iraq in December, when the drum beats of war were already loud. The motion relating to the final opportunity for Iraq to comply was debated in February, by which time troops were already on the ground and war was imminent.

Mr. Gray: The hon. Gentleman is not quite right. The debate on 25 November 2002 was indeed in support of UN resolution 1441 and stated that, if Iraq failed to comply, the Security Council should meet to consider the situation. Speeches from the Treasury Bench, and especially the speeches of those who opposed the war, were all about whether we should go to war with Iraq. Labour Back Benchers opposed to the war tabled an amendment saying that under no circumstances should we go to war with Iraq. There is no doubt about it. A glance at *Hansard* will confirm that the whole debate was about whether we should go to war, although technically speaking the Government motion was not about that.

Mr. Heath: The hon. Gentleman suggested that those of us who spoke earlier in the debate supported the Bill because of our views about the war in Iraq. That is factually inaccurate, as many of us had argued for removal of the royal prerogative in its present form before that war. He now says that his reasons for supporting the Bill are because of the conduct of the Government during the run-up to the war in Iraq, which seems remarkably inconsistent.

Mr. Gray: I fear that I fail to understand some parts of the hon. Gentleman's remarks, but I shall draw a blind on that and move on to the substantive part of my speech.

Clare Short: Some people took the view that containment was working and there should not be war at any price. Many other people thought that we should back up the authority of the UN with the threat of military action to get sanctions lifted, Saddam Hussein indicted and Iraq transformed. Anyone taking that position would have supported the earlier motions. Of course, we now know that Blix was reporting that Iraq had complied and I am afraid that the House was misled about that.

Mr. Gray: I am sure, Madam Deputy Speaker, that you would pick me up quickly if I allowed the debate to become a substantive debate as to whether going to war with Iraq was the right thing to do. I was making the point that simply to say that because we did not like the process of going to war we must thus support the Bill is flawed logic. However, I am now about to make the most substantive point of the morning—*[Laughter.]* Hon. Ladies and Gentlemen on the Liberal Benches find that funny; I do not—it is a serious matter.

These are the questions we should be asking. Why did the Prime Minister produce his two dodgy dossiers? Why was there a whole series of episodes of lies, spin and deception of one sort or another across the nation? Why did the Prime Minister feel that he had to go to those great lengths to justify the war? Because he knew that he would have to come to this place and justify it to Back Benchers. That is why he had to go to those lengths. We only have to glance at previous wars as recent as the Afghanistan war. The Prime Minister put the justification for going to war with Afghanistan in the Library and in a famous footnote stated that most of the information available to him was available on Privy Council terms. He said that it was secret information and that he had shared it with the Leader of the Opposition on Privy Council terms. It would be entirely bad for our intelligence services and the defence of the realm if the Prime Minister were to make such information available to the House, so he would choose not to do so.

In other words, those who disliked the spin, the dossiers and the rest of it should remember that we had three substantive votes in the run-up to the war with Iraq, and that it was because of those votes, not despite them, that we had all that nonsense. All we need do is glance at the run-up to any previous war to discover that there was no such nonsense, no such misleading of the nation and no such dossiers. That simply did not exist in previous wars because the Prime Minister did not have to make that justification.

Tony Lloyd: The hon. Gentleman is making an intelligent speech, although I profoundly disagree with his conclusions, but may I take him back to a different conflict? I was personally involved as a Minister when Britain went to war with the then Yugoslavia over Kosovo. He is right to suggest that one of the differences is that there was a widely held view that military action was morally justified and it therefore obtained a fair amount of public support. However, there are some fundamental issues even in such a war. For example, there were some difficult legal issues about the legitimacy of the military campaign. There was a fundamental difference of opinion between the British and French Governments. Even though we both concluded that there was a legal base for action, it was a different legal base.

It is fundamental that any Government must come before the House of Commons and be forced to justify the decision to go to war because it is of such profound importance. The hon. Gentleman makes an interesting point and I understand what he is saying, but I ask him to consider that the convoluted political process that we went through in the months before the second Iraq war was not just a straightforward series of decisions. A lot of other political issues were involved. A simple decision about going to war is better taken if it has an absolute

[Tony Lloyd]

statutory base, so that we know why we are voting and what we are voting for on the day that that vote takes place.

Mr. Gray: The hon. Gentleman makes a good point about our deployment in Kosovo, which is particularly relevant because, of course, that was the only other armed conflict in which we have taken part in recent years that did not have the support of the United Nations. Kosovo and the second Iraq war were the same in that respect. The Prime Minister took part in what many people believe to be an illegal war for that reason in Kosovo, but no fuss was made about that in the House. No one asked for debates or votes. We went into Kosovo because such action was believed necessary for humanitarian reasons. Many people who have argued that the Iraq war was illegal because it did not have the support of the UN could make precisely the same point with regard to Kosovo, but we thought that the Kosovo action was a good thing that was done for humanitarian reasons, so we did not make a fuss about it.

Sir Menzies Campbell: I was following the hon. Gentleman's argument before the last intervention. Am I to understand that the basis of his opposition to the Bill is that, if it were to pass into law, there would be a risk that the Prime Minister would be encouraged to come to the House and mislead it about the basis on which he wanted to take military action?

Mr. Gray: The right hon. and learned Gentleman makes an interesting point. Of course that is the precise implication of what I am saying. He is right. If the Prime Minister had to come to the House to justify every military deployment of any kind, there would be a temptation to seek to justify what he was doing. Let us imagine that the Government's majority was not large. Let us imagine that the House was evenly split and the Government had a majority of one. Let us imagine that one party—the Liberal Democrats, for example—was opposed to a war. The Prime Minister would have to go to endless lengths—he would spin like mad—to try to justify something that might well be a perfectly justifiable war in its own right, but he would have to get immensely carried away.

Sir Menzies Campbell: Will the hon. Gentleman give way?

Mr. Gray: I hope that the right hon. and learned Gentleman will forgive me, but I am seeking to answer his point. I am sure that he would be happy for me to try to do so before he jumps to his feet again.

When the House is evenly divided, as it is, the decision to go to war becomes politicised. The great advantage of the royal prerogative is that the Prime Minister decides what is right for the nation's security. He bases that decision on secret intelligence, which should not be available generally. He takes a grave and difficult decision to go to war, to provide troops or whatever it might be. He must then justify that decision to the House subsequently. The hon. Member for Hereford (Mr. Keetch) was making that point—a very good point indeed.

Of course, the Prime Minister is answerable to the House. He must justify what he has done. That is quite different from justifying what he is doing in advance. If he had to justify his actions in advance, as the right hon. and learned Member for North-East Fife (Sir Menzies Campbell) just said, he would be tempted into seeking to persuade the House of something in a way that he would not otherwise have to do if he simply took the decision himself. In other words, there is a perverse logic—*[Interruption.]* One might have thought that the right hon. Member for Birmingham, Ladywood (Clare Short), who has introduced an interesting Bill that is capable of interpretation in two ways, would be interested in listening to complicated theoretical arguments about it. She and I start from the same position of opposing the decision on Iraq, and we are simply taking part in a rather academic discussion about whether the Bill would necessarily put things right.

Clare Short: I have listened to every word that the hon. Gentleman has said, but the logic of his argument is that we should not have Parliament: if Parliament has powers over the Executive, they might be tempted to mislead Parliament, so let us not consult Parliament. That is an extraordinary argument.

Mr. Gray: The right hon. Lady might be guilty of reductio ad absurdum—if she is familiar with that phrase. I do not think that she is quite right, and that was certainly not what I was arguing.

My argument is that the grave matter of taking the nation to war is surely something—there are other matters of a similar nature such as treaties and various appointments—that the Prime Minister could be expected to undertake in his role. Of course, he is answerable to the House. That is what Prime Minister's Question Time is all about—or should be all about if the thing were run properly. It should be an opportunity for the House to question the Prime Minister about what he has been doing. If he did something that was not popular in the House or in the nation—if, for some reason, he engaged in some bizarre war that everyone totally opposed—not only would he fall, but the Government would fall. That is the whole nature of parliamentary democracy: it is precisely the way that the House works.

We do not decide on the precise person who will be appointed as the bishop of every see in England. That is done under the royal prerogative. We do not decide which ambassador will go to which embassy around the world. Such things and thousands of others are matters for the royal prerogative. However, if we found that the Prime Minister was appointing his mates as bishops or ambassadors, my goodness me, he would have a hard time.

Sir Menzies Campbell: Will the hon. Gentleman give way?

Mr. Gray: I hope that the right hon. and learned Gentleman will forgive me, but I am trying to make progress. Other hon. Members are seeking to speak, but he is a very distinguished gentleman and so long as he makes a more substantive point than the last one, of course, I will happily give way.

Sir Menzies Campbell: I am afraid that I cannot guarantee that, and the hon. Gentleman will

understand, as an occasional Presbyterian, why I do not follow him into the appointment of bishops in the Anglican communion. The logic of what he is saying is that the House should not be given more extensive powers of scrutiny and control over the Executive lest they be tempted into misleading the House. That extraordinary proposition flies in the face of the fact that misleading the House is the cardinal sin in the House of Commons.

Mr. Gray: The right hon. and learned Gentleman makes the same point. He and I come from the same school—Hillhead school in Glasgow—and my father was the Moderator of the Church of Scotland, so I know nothing about bishops either. That does not necessarily stop me having a view on the subject.

Certain decisions are so grave and important that the Prime Minister must take them himself. He must not compromise the intelligence that he uses to do it. If he did, he would compromise our sources in the field and undermine a variety of things that he needs to do. He must not give warning to the enemy. Indeed, one or two hon. Members seem to suggest that we ought to have a substantive debate on the deployment for war perhaps some months or years ahead of that deployment. They suggest that we should not send troops to Kuwait in the possibility of going to war with Iraq, that we should decide months and months in advance and that we must state precisely to the House how many troops will go where and what they will do when they get there. That would compromise the security of our troops on the ground. The element of surprise is often important and going to war by Executive decision may well be the right thing to do.

I wholeheartedly support the principle that lies behind the Bill, but simply doubt whether it would work in practice. If it were passed, only wars that that were popular with the people and popular in the House would be waged. Wars that were necessary and correct, yet unpopular, would never be waged. If the House was evenly balanced, especially, going to war would become extremely politicised.

Hon. Members have talked about the morale of our troops on the ground, but I suspect that morale has been undermined—in so far as that has occurred—not because we went to war with Iraq, but because of the parliamentary process that led up to it. It has come about because our troops know that half the people in this House were not in favour of the war and because they feel let down by the elected representatives in this place. If we had done what we did for previous wars and trusted the Prime Minister's use of the royal prerogative and wished our troops on the ground well, morale would be higher. However, the fact of the matter is that we did not trust the Executive or the Prime Minister. We were misled by the Prime Minister. We had three substantive votes—

Madam Deputy Speaker: Order. Perhaps the hon. Gentleman would like to rethink what he has just said and rephrase it.

Mr. Gray: As I said the word, I knew that I was out of order, so I shall happily rephrase my comment.

We were taken to war on something that was a false prospectus by most standards. However, if the Bill had been in force, I do not believe that the process would have been any better. Indeed, it would probably have been worse because the Prime Minister would have known that he would have to do such a thing.

If hon. Members believe in parliamentary democracy, the proper use of our intelligence to take us to war and the defence of the realm, they will oppose the Bill because it would fundamentally undermine all three things.

11.21 am

Tom Levitt (High Peak) (Lab): I rise perhaps a little like a lion in a den of Daniels, but nevertheless hope that as I speak against the Bill I will be able to convince some hon. Members that it is unnecessary, rather than wholly wrong in principle. The principle behind the Bill, as the hon. Member for North Wiltshire (Mr. Gray) intimated, is, in fact, not bad. If we believe in parliamentary democracy, there should of course be the utmost scrutiny. The question is whether we should lay down exactly what type of scrutiny should occur in what time scale and the sort of detail that should be given about a proposed military intervention.

It saddens me greatly, as I am sure it does every hon. Member, that more people have died in wars since world war two than during that war. A war has been going on somewhere in the world on every single day since the second world war. Having said that, however, I believe that behind the Bill lies an attempt to keep our hands clean by not engaging in war instead of making decisions to commit our troops to dangerous situations, which are unfortunately necessary from time to time. Although the Bill is superficially attractive from a democratic point of view, it is, on reflection, both impractical and unnecessary.

The Government have a good record on parliamentary consultation. Indeed, we must go back to Suez to find the last time that there was no parliamentary consultation whatever on war. Of course it is best that such consultation takes place through debates on substantive motions, as was the case with the Iraq conflict in 2003, but we would tie the Government's hands as they were making difficult decisions if we said that such debates had to be on substantive motions and be held prior to the event, unless absolutely unavoidable.

When my hon. Friend the Member for Pendle (Mr. Prentice) talked about some of the luminaries who could be cited as being in favour of the Bill, he made reference to the Chancellor. I must put the record straight, because if he was talking about the Chancellor's interview in April in *The Daily Telegraph*, there was no suggestion that my right hon. Friend was in favour of a statutory obligation on the Government to come before the House—the same is true of things that the Foreign Secretary has said. Both my right hon. Friends said, as I would argue, that it would be right for the Government to do such a thing when possible, but that we should not tie their hands unnecessarily, especially if difficult decisions must be taken in a short time.

I was worried when my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) made the dangerous suggestion that the march against the war was a reason why the House should have voted against the war. If we were to judge the way in which we vote on the number of people in the streets, it would certainly

[Tom Levitt]

mean that we should give the same credence to the Countryside Alliance's march—I am sure that the hon. Member for North Wiltshire would have sympathy with that idea. Another argument against the suggestion made by my right hon. Friend is the fact that an awful lot of people on the march against the Iraq war would not support her Bill on the grounds that they would oppose any military action at any time under any circumstances. It would thus be dangerous to pray in aid those people in support of the Bill.

I have a problem with the meaning of the phrase "armed conflict" in the Bill. If we were to send a humanitarian mission to a place such as Sudan, for example, and things went wrong resulting in forces coming under attack, would the act of defending themselves be defined as armed conflict? There would have been no declaration of war in such circumstances, but military action would have become necessary. Would even mild escalation mean that we would have to have a debate in the House under the Bill?

Circumstances could change for an existing deployment in the theatre of war. If they were to change radically from the circumstances that under the Bill would have been set out by the Government in debate, surely we would have to come back to the House—perhaps every few days—to legitimise the military action and reassert that it was right under the new circumstances. If that were not the case, the House would be able to endorse military action under the Bill according to the circumstances pertaining at the start of the action, but it would be assumed that the action remained legitimate throughout any changed circumstances. That appears to be a contradiction in the Bill.

Richard Ottaway (Croydon, South) (Con): The hon. Gentleman talks about changing circumstances, but is it not the case that future wars are more likely to be fought on the basis of intelligence than on the basis of circumstances that can be seen? We have already had one war based on flawed intelligence. Would not the Bill oblige the Government to produce the beef and show us the intelligence so that we could make up our own minds about the circumstances that existed?

Tom Levitt: The intelligence to which the hon. Gentleman refers is not only that which existed in 2003, but that which informed United Nations resolutions over 12 years. There are differences of opinion about the intelligence. We can find out in retrospect that intelligence was wrong, but any decision on military action must be based on the best possible intelligence available at the time.

As an interesting adjunct to the Bill, my right hon. Friend the Member for Birmingham, Ladywood might like to consider what would happen if the House thought that military action was justified, but the Government of the day did not. Should not that situation be addressed in the Bill? Let us consider the situation in Rwanda in 1994, for example. There might have been a majority in the House at the time in favour of military action or some kind of support for international military action to end the genocide in the country, but there was no mechanism—no mechanism exists at present or is proposed in the Bill—to allow the House to tell the Government that they should consider military action.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): I am enjoying my hon. Friend's speech. Will he comment on what would occur if peacekeeping or peace-enforcement operations were to be affected by mission creep and we found ourselves involved in armed conflict? What would happen if Parliament were required to give retrospective approval, and what would the consequences be if that approval were denied?

Tom Levitt: I am coming on to that point, but mission creep is almost inevitable under the Bill because of the way that circumstances in which military action can take place are prescribed. The question of what happens when orders are given under changed circumstances is an interesting one. The legitimacy of military orders is clearly based on instructions given through the proper channels to commanders in the field. Under the Bill, however, it would be based on information presented to Parliament, preferably prior to the engagement. I therefore envisage a number of difficulties when circumstances change, and they include the example that my hon. Friend gave of a peacekeeping operation going wrong and soldiers having to defend themselves and take out hostile forces that were not active at the time of the original commission.

Clare Short: I am afraid that my hon. Friend is misinformed, as there is nothing in the Bill that would prevent our armed forces from defending themselves if they were in danger.

Tom Levitt: I accept that defensive action may be taken as my right hon. Friend describes, but there may be situations in which a short period of escalation is necessary to eliminate a threat.

Mr. Dismore: I disagree with my right hon. Friend the Member for Birmingham, Ladywood (Clare Short). If I construe clause 8 accurately, several conditions apply before self-defence is legitimate and permitted. Lawful command, for example, could be unlawful without a vote in the House, and rules of engagement may be inadequate to cover all eventualities facing the troops. One of those conditions must be satisfied as well as the condition of self-defence, so it is possible that people would be put in a difficult position.

Tom Levitt: I could not have put it better myself.

In all recent conflicts in which the United Kingdom has been involved, we have taken part in concert with other countries. How would we make preparations for joint action with our allies if we had to apply a brake but they did not have to do so?

Tony Lloyd: If memory serves, in the overwhelming majority of military actions in which the nation has been involved in recent years we have participated with the United States, which has the same kind of power that my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) wishes to introduce. Why does that power not operate as a constraint against the US taking military action but would do so for the UK?

Tom Levitt: It is interesting to hear Labour Members suggest that we adopt an American model. Every

country is different. For example, 31 countries were involved in military action in Iraq. Indeed, in the Balkans, the Americans arrived late and were not involved from the beginning. I accept that there is such a power in the United States, but that is the case only in a minority of countries. The fact that America has that power should not necessarily be a guiding light for us.

Mr. Gray: The difference is that the President of the United States is not answerable to Congress, so if he took the country into an unreasonable war he would not fall. By contrast, the Prime Minister is answerable to Parliament.

Tom Levitt: Indeed. The President is the Head of State and the Prime Minister is not, as the hon. Gentleman pointed out earlier.

If I participated in a debate that arose under the Bill I am not sure that I would feel competent to take on the responsibility that it imposes on Members. Members who took part in such a debate, preferably before military action, would be obliged to keep themselves fully informed of rapidly changing military situations and would have to be able to make decisions that were both militarily and politically sound. They would have to make objective judgments that were not clouded by political prejudices. As I said, some hon. Members would vote against war under any circumstances, irrespective of the arguments for and against. They would have to have the skills to analyse necessarily sensitive intelligence material. They would be party to discussions with our allies, and they would have to make assessments of legal opinions.

Without wishing to start a debate on the precedence of legal opinions, we all know that lawyers tell people exactly what they want to hear. They would give the case for intervention and they would give the case against it. I am happy to be informed by people I trust and to whom we pay an awful lot of money to come to the House and explain those issues, as happened in the run-up to the Iraq conflict. However, the Bill takes responsibilities away from Cabinet members, particularly the Secretary of State for Defence and the Prime Minister, when they should be called to account and should advise us of what the distillation of all those arguments leads them to believe.

Tim Farron (Westmorland and Lonsdale) (LD): I understand the challenges that would face Members if they had to hold the Executive to account in a debate on whether or not we were going to war. Does the hon. Gentleman believe that members of the Executive, who are civilians too, are higher beings and therefore not so susceptible in the face of such challenges?

Tom Levitt: To be gentle to the hon. Gentleman, that is a parody of my argument. Ministers by definition have access to intelligence and information that it would not be possible to release to 659 Members, who would be unable to make the judgments made on our behalf by highly paid Ministers and their advisers. I accept that we can make a judgment on what we are told, and I believe that the right precedent was set in the debate before the Iraq war. Wherever possible, there should be a substantive motion, but I do not want to tie the hands of the Executive and make it compulsory in all circumstances with all the conditions that the Bill would attach.

Richard Ottaway: How would the hon. Gentleman feel if the evidence was made available to the Intelligence and Security Committee?

Tom Levitt: That should certainly be considered and discussed.

United Nations Security Council resolutions are not mentioned in the Bill, but there are circumstances in which proposed military action is sanctioned under those resolutions. Such action should be treated differently by the legislation if it completes its passage through the House.

Mr. Dismore: Intelligence is often gathered by special forces deployed well in advance. How would the Bill apply to the deployment of special forces, bearing in mind the need for them to be deployed in complete secrecy to do their job, obviously without parliamentary approval? It would be self-defeating if they could not collect intelligence evidence in the first place to inform Parliament.

Tom Levitt: I am not quite sure of the point that my hon. Friend is making. I do not think that the Bill would preclude the deployment of intelligence officers in such circumstances.

David Wright: Will my hon. Friend give way?

Tom Levitt: No, I want to draw my remarks to a close; plenty of other people want to speak.

Every time that troops have been deployed by this Government—whether in Kosovo in 1999, Sierra Leone in May 2000, Afghanistan in October 2001 and even Iraq in March 2003—the purpose has been to reduce the risk of death and the overall death rate. That may sound odd when one considers the fact that military action tends to increase those things, but in all those circumstances our intervention has aimed, over a period, to end injustice, genocide and mass murder. On that basis, I would argue that every one of those deployments has been justified.

It is extremely unlikely that the House would ever decide, after military deployment had taken place, to pull troops out on the grounds that their safety in those circumstances is paramount. I do not see that happening, even if the facility to do so is provided by the Bill.

There should be scrutiny of decisions on military action, as with anything else in this House, and that scrutiny should be timely. There should be a substantive vote wherever possible, but that should not be compulsory. It should not be put into law and it should not tie the Government's hands, as I believe the Bill would. The debate has been very interesting, but the Bill should not reach the statute book. It could, in some circumstances, be used as an indulgence to feed a bandwagon of anti-war sentiment, with no practical purpose. It might even be used by some to try to justify their support for military action in Iraq at one point, followed by a change of heart after the event.

11.41 am

Greg Mulholland (Leeds, North-West) (LD): Unlike the hon. Member for High Peak (Tom Levitt), I welcome the Bill; in fact I returned to the House especially to support it, having attended a south Asian earthquake fundraising event in Leeds yesterday evening.

If I may start by being so bold, and despite being from a different party, I must confess to having something of a soft spot for the right hon. Member for Birmingham, Ladywood (Clare Short).—*[Interruption.]* I am blushing. I believe that she is one of a group of MPs from all parties who show real principle and passion in their parliamentary duties. I also share the right hon. Lady's passion for international development, the brief that I have just taken on for my party. I have to say that despite being from a different political background, I felt disappointment, disillusionment and dismay when she initially came out in favour of the war in Iraq. It was with a sense of relief, reassurance and not a little rejoicing with those of a similar mind on such issues that I greeted the news that she realised that she had been misled, had reached a mistaken conclusion and had the courage to admit that. It is very good to have her back doing what she does best.

I was not an MP at that time; indeed, I am here partly because of the decision to take this country into the disastrous war in Iraq. I shall make a rather surprising point now. To some extent I agree with the hon. Member for North Wiltshire (Mr. Gray) that the subject of this debate is not the decision to go to war in Iraq—a decision that was always immoral, was always illegal and is now so sadly and obviously disastrous. The point underlying the Bill is that in a 21st-century democracy it is grotesque that the Prime Minister can take the nation to war without having to come to this place, the seat of our democracy, for approval.

I take exception to some of the arguments of the hon. Member for High Peak. The first is the idea that when presented with the evidence, which surely is the point, 659 MPs are not capable of making a sensible decision on war. That is an insult to the House. The suggestion that we cannot quickly respond to conflicts such as that in Rwanda is also an insult to the House. Those of us with humanitarian concerns would do so.

Clare Short: Just for the record, there was a UN operation in Rwanda, and the UK position at the Security Council was that the situation there was not genocide—the word was not used. The British Government's policy at that time was to call for a reduction in the size of the UN mission.

Greg Mulholland: I thank the right hon. Lady for her comment.

Tom Levitt: Will the hon. Gentleman give way?

Greg Mulholland: May I finish my assault? I will then let the hon. Gentleman respond to all my points. That would be sensible for both of us.

The hon. Gentleman suggested that those who are anti-war or pacifist are not valid participants in the proceedings of the House. That is a serious point. It suggests that Quakers should not become Members of the House. The hon. Gentleman should rethink those comments. I will now give way and let him answer.

Tom Levitt: Let me correct the record of what the hon. Gentleman said I said but patently did not. I said that the House should, perhaps, have had the power to consider whether we took part in military action in Rwanda alongside others, but we did not have the option because the Government of the day did not provide it. I am suggesting that the Bill should provide that, if it is to make progress.—*[Interruption.]* The hon. Gentleman said that I said that we should not have intervened.

Secondly, of course I am not saying that Quakers, pacifists and others should not be Members of the House. I was principally saying that 1 million people on a demonstration should not be cited as evidence in support of the Bill, when half of them may oppose its very principle, which is to control military action in any case, on the grounds that they would argue that there should never be any military action.

Greg Mulholland: I inferred something else from the hon. Gentleman's remarks, and if he reads *Hansard* he may see why I did so and many other people would too.

On Rwanda, the hon. Gentleman missed my point entirely. What I picked up from his comments was the suggestion that we could not respond quickly enough to such situations, not the question whether we should have a vote on the matter.

Philip Davies (Shipley) (Con): I share the hon. Gentleman's admiration for the right hon. Member for Birmingham, Ladywood (Clare Short). She is indeed a lady of great principle who should be admired in all parts of the House.

Will the hon. Gentleman reflect on the point that he made a moment ago? Neither the hon. Member for High Peak (Tom Levitt) nor my hon. Friend the Member for North Wiltshire (Mr. Gray) were saying that Members of the House are not capable of understanding intelligence. The point being made is that, by definition, going to war is a decision based on intelligence, the disclosure of which would inevitably put at risk the security forces who gather that intelligence. It is not therefore possible to disclose the evidence that justifies the decision to go to war.

Greg Mulholland: The hon. Gentleman and I probably have different views about what the House should and should not consider. I think that we will have to agree to disagree. I will not be too forceful. I am glad that we are quite a long way apart from each other, should I get on the wrong side of the hon. Gentleman, because I have been advised that that would not be a wise thing to do.

The Prime Minister can take the decision to go to war without consulting this place, but that is not the only issue that arises from the use of the royal prerogative. Charter88 has drawn attention to other abuses of its use. I would not describe it in those terms, but I think that the hon. Member for North Wiltshire (Mr. Gray) used that word. For example, the country was taken into the Marrakesh agreement, which binds us into the general

agreement on trades and services in the World Customs Organisation. I think that many of us would be strongly and passionately opposed to that.

I am a new Member. Since I came to the House a few months ago I have asked many times, "Why do we do things like this?" I am sick and tired of hearing the same answers—"Because we do" or "Because we always have." That is not good enough in a 21st century democracy. In my opinion, one of the most dangerous things is to defend the use of the royal prerogative in terms of "Because we always have." Of the decisions that involve use of the royal prerogative, surely the decision to take this country to war is the most serious.

If I may widen the discussion, all this shows why we need a written constitution and a Bill of Rights. I esk all Members who feel passionately about this issue and similar issues to engage seriously in that wider discussion. Ultimately, we need a written constitution to stop the excesses of Prime Ministers such as Thatcher and Blair. I am sure that many Members on both sides of the House would agree.

Ms Angela C. Smith: Will the hon. Gentleman give way?

Greg Mulholland: No, I am about to conclude.

We have all heard of the coalition of the willing. Given that there are principled Members such as the right hon. Member for Birmingham, Ladywood and many others who have bothered to be in the Chamber for a Friday sitting, we need to have a coalition of the enlightened. Let us bring the constitution up to date. Let us start by taking away from the Prime Minister the decision to take the country to war and returning it to this place.

11.51 am

Mr. Nell Gerrard (Walthamstow) (Lab): I am pleased to take part in the debate and to support my right hon. Friend the Member for Birmingham, Ladywood (Clare Short). As she said, I introduced an almost identical Bill during the previous Session. Unfortunately, I was not drawn anywhere near as high in the ballot as my right hon. Friend. Then, of course, the general election intervened. As a result, there was no real debate of my Bill. I recall that when I introduced my Bill in January it was assumed by many Members who spoke to me and by many outside the House that the only reason for it was opposition to the war in Iraq, and that no one could possibly support the Bill who had not been in opposition to that war.

That is completely untrue. There was no reason why someone who thought that the war in Iraq was justified should not support the Bill. Its origins were not purely that war. My hon. Friend the Member for Pendle (Mr. Prentice), who was a member of the Public Administration Committee, conducted an inquiry into the royal prerogative. It was an inquiry not just into the use of the royal prerogative in war, but went much wider than that. However, the use of the royal prerogative in that respect was one example that happened to coincide with others that some of us were concerned about and which we wished to take up.

I make no secret of the fact that my opposition to the war was one of the reasons for my interest in taking forward the Bill, but it was not the only one by a long stretch of the imagination. I think that it was in March—I would have to check the date—that I raised questions arising from the Bill in Prime Minister's Question Time. In responding to me, my right hon. Friend the Prime Minister said that he could not foresee any future situation where a Prime Minister would go to war without a substantive vote in the House. He cited the vote on Iraq as an example.

I have two comments about that. The fact that the Prime Minister said what he did does not give any guarantees for the future. There will be other Prime Ministers, and maybe Prime Ministers of parties other than Labour. The fact that the current Prime Minister has said that, in his view, it would not be possible to enter into a conflict such as Iraq in future without a substantive vote does not amount to a guarantee.

My hon. Friend the Member for Pendle put his finger on the critical issue about the decision to go to war and the mechanisms used. If the Prime Minister believes that there should be a substantive vote in the future, it is worth noting that I have heard virtually no Members arguing that there should not be such a vote, whether before or after the event.

Mr. Gray: I spoke against substantive votes on going to war.

Mr. Gerrard: I think that the hon. Gentleman would acknowledge that the majority of Members who have taken part in the debate so far, and the majority of Members generally, judging by the numbers who have signed early-day motions about the Bill, would agree that there should be substantive votes.

If there are to be such substantive votes, what matters is the mechanism. My hon. Friend the Member for Pendle raised some important issues about the mechanisms by which the decisions were taken on Iraq. If we are to have substantive votes on decisions about armed conflict, it makes all sorts of sense that the mechanism for those substantive votes are laid down in the way that the Bill does, and are not left to be decided by convention or precedent, which can change, when some future Government or Minister decide they do not like it and so adopt a different method. That is the really important function of the Bill. It sets down the mechanism by which those substantive votes have to be taken.

Some of the opposition that I have heard seems to ignore the facts of what has happened in recent years on armed conflicts. Iraq is the only conflict that I can think of that we have been involved in where it could be said that it was intelligence driven. That certainly has not been true of other conflicts in the past 20 years. Kosovo certainly was not—and may I say in response to a point made earlier that there was some opposition on action in Kosovo, although there was never a vote on a substantive motion; the debates on Kosovo all took place on motions on the Adjournment of the House, and, by certain recourse, some hon. Members obtained Divisions on such motions artificially to express their opposition to what was happening in Kosovo. I think that there were five debates on the Falklands, all on a motion on the Adjournment of the House. But there have been other cases, going back to 1950 and Korea, and then the first Gulf war, where there were votes on

[Mr. Gerrard]

substantive motions within a few days of the action commencing. Iraq was unusual in that there was a substantive motion before the action started.

We all talk about going war, but in reality declaration of war does not happen, or certainly seems very unlikely to happen again. There has not been a formal declaration of war for a long, long time by this country or by many other countries. It is important that it is still covered within the Bill, because it could happen, but that is not the reality of the way in which military action generally happens now.

I certainly do not buy arguments that say that that would take away elements of surprise. I am sure that Saddam Hussein was really surprised when military action started, and that it was a surprise when our forces went into Kosovo or Afghanistan.

David Wright: My hon. Friend will recall that I joined him in the Lobby against the war in Iraq, but I am concerned about the geographical context for a conflict. He will remember that in the first Gulf war we did not invade just Kuwait in order to liberate Kuwait. Troops were put into southern Iraq at that time in order to liberate Kuwait. If we are to give a geographical area for parliamentary approval, is not that very dangerous? Would he envisage us giving perhaps a regional perspective in terms of conflict? I just want to clarify the situation.

Mr. Gerrard: I understand my hon. Friend's point, and it is perfectly valid because it is mentioned in the Bill. This is a point that could be explored in Committee if it was felt that the measure was drawn too widely, but I would not expect the report to Parliament that clause 2 demands to be so narrowly drawn as to prevent any flexibility in action. We are all realistic enough to know that we cannot be prescriptive about future military action. The point is valid, and perhaps we can explore it in Committee.

I cannot believe the argument that the element of surprise would be taken away, and the Bill would not stop troops acting in self-defence.

I entered this House in 1992 and can recall debates about Bosnia and Rwanda in which hon. Members suggested that intervention should take place and the Government resisted those suggestions. Perhaps the Bill should be amended in Committee to allow Back Benchers to propose to the Government that military action should take place.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Will my hon. Friend outline his thoughts about the definition of self-defence? In an international environment, action against British troops or British civilians might lead to self-defence in another part of the world. The definition is key, and I am keen to hear his thoughts.

Mr. Gerrard: Clause 8 covers that point, and the conditions that action must be taken

"following a lawful command, or in accordance with lawful rules of engagement"

may be over-prescriptive. It is clearly intended to provide for a situation in which members of the armed forces act in self-defence, and it does not include a geographical restriction.

Mr. Khan: Is it not the case that if there were a situation in which our troops had to act illegally for operational reasons, we could retrospectively make it lawful by voting in favour of the action taken previously? In the case raised by my hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier), for example, the force involved might not qualify for legal self-defence under clause 8, in which case this House could retrospectively make the action lawful.

Mr. Gerrard: I am wary of going too far down the retrospective line. Clause 4 covers retrospection when the Executive take an urgent decision. If British forces were attacked, however, they would unquestionably have the right to self-defence under clause 8 without any worries about parliamentary approval.

Mr. Dismore: Clause 8 does not say that—it says that people may defend themselves, but only if the conditions that it sets out are satisfied. If an armed conflict is not lawful in the first place, any orders given would not be lawful commands. Alternatively, the rules of engagement might not be sufficiently broad to deal with a situation in which troops must defend themselves immediately, in which case any action taken in self-defence would not be lawful.

Mr. Gerrard: If the armed conflict itself is unlawful, I do not see that there is any way that one can give protection.

Mr. Hoon: My hon. Friend raises an interesting problem. When a situation is deteriorating, which is not uncommon when troops are deployed for peacekeeping purposes, those troops may then be attacked. I accept that the Bill appears to allow them to defend themselves, but as soon as they do so, are they not engaged in an armed conflict, and would that not involve the Government coming back to the House to seek the kind of resolution that the Bill requires? Surely that is impractical in the context of troops deployed in the field.

Mr. Gerrard: I am trying to think of an example of where that would apply.

Mr. Dismore: I will give my hon. Friend an example. The Dutch troops in Srebrenica were not prepared to defend themselves. They were worried about their rules of engagement and stood aside, allowing the massacre of thousands of people to take place, because they were petrified that under international law they would not be found to be defending themselves lawfully.

Mr. Gerrard: Is not there then all the more reason that before sending troops into the situation there is discussion in this House and support for what happens? In the case of Bosnia, the question of intervention and sending troops was frequently raised in this place.

Clare Short: The situation that the Leader of the House posits—a peacekeeping operation where things

deteriorated and there was a need for soldiers to defend themselves—is covered by clause 8. If they get into a position of military conflict, that would be covered by the Bill's provisions on urgent action. The Government would give instructions and it would be properly done, and it would be brought before the House later. The situation is completely provided for in the Bill.

Mr. Gerrard: I think that we are getting into areas that should be dealt with in Committee.

Members have raised the issues of urgency and self-defence, as well as situations where the two might become conflated. We need to get it right, but I believe that that can be achieved and that there is nothing in the Bill that could not be amended if necessary. Clearly, we would not want to put troops in a position where they feel that they are behaving illegally. The point about the Dutch troops in Srebrenica is very important. We do not want British troops to get into a position where they are standing by as people are being massacred. If there is a clause that would genuinely allow that, we need to amend it.

David Wright: My hon. Friend might like to reflect on what would have happened when we sank the Belgrano. An exclusion zone was declared around the Falklands. Would he envisage the Prime Minister coming back to the House with a further report saying that the exclusion zone had been extended arbitrarily in order to sink the Belgrano? What procedure would have taken place in those circumstances?

Mr. Gerrard: That is an interesting point. If I remember correctly, the Belgrano was steaming away from the Falklands—an issue that was repeatedly pursued in this House afterwards. If a report to the House under the Bill was couched in terms as narrow as my hon. Friend suggests—"This will be the exclusion zone"—then that would clearly restrict action that could be taken, but I would be very surprised if it was that restrictive in terms of geographical location.

Mr. Greg Hands (Hammersmith and Fulham) (Con): I should like to explore this a little further. The Bill says:

"the Prime Minister shall lay before each House of Parliament a report setting out . . . such information as he considers it appropriate to make public about"

geography, duration and deployment. In the possible, or likely, event that the Prime Minister considered it inappropriate to give any such information, he would lay himself and others open to subsequent charges such as, "You never said that world war two would take six years", or "You never said that the Scots Guards"—or whoever it was—"would be deployed in Basra", which led to the unfortunate incident this morning with the roadside bombing. Is not the onus and the expectation being placed on the Prime Minister to release information, which, surely, is of most use to our enemies?

Mr. Gerrard: The Bill makes it clear that the Prime Minister would make available

"such information as he considers . . . appropriate".

The hon. Gentleman suggests that that would cause problems. Yet whether the Bill exists or not, such questions will be asked of the Prime Minister. I am sure that they were asked at the time of the first Gulf war; they were asked during the Iraq war. Including information in a formal report to the House will not fundamentally change that.

Mr. Hoon: Let me give an example of how it would make a fundamental difference. The Bill could be subject to legal proceedings. We have all seen those who objected to military conflicts going to court and taking legal action. If the Bill were passed, the report could be subject to legal proceedings. Instead of the current straightforward position, whereby people accept that circumstances change and the Prime Minister or the Defence Secretary makes a statement on the Floor of the House to explain why they have changed, the Prime Minister would be required, at the risk of legal challenge, to change the terms of the report. Surely my hon. Friend does not advocate that.

Mr. Gerrard: Does my right hon. Friend suggest that nothing that happens in this place can be challenged in court anyway? If there is a possibility of legal challenge—

Mr. Hoon: That is what the Bill creates.

Mr. Gerrard: My right hon. Friend appears to suggest that it is currently impossible for legal proceedings to be taken and that the Bill fundamentally changes the position.

Mr. Dismore *rose—*

Mr. Gordon Prentice: Is not it a fundamental part of our constitution that parliamentary proceedings cannot be challenged in the courts? That means that, if a Prime Minister presents a report along the lines that the Bill sets out, it will not be open to challenge in the courts.

Mr. Gerrard: I shall give way to my hon. Friend the Member for Hendon.

Mr. Dismore: Let us suppose that the Prime Minister's report mentioned a specific geographical area or, perhaps more appropriately, a time limit for the expected duration of the conflict and that the House decided to authorise that. Let us then suppose that the conflict went on for a few days longer. That could be subject to judicial review on the ground that it was an unreasonable action by the Government. Not Parliament's decision, but the Government's interpretation of it, will be challenged. We will end up with judicial stalemate and scrutiny of our armed forces who are in the field.

Mr. Gerrard: It is ludicrous to suggest that such a report would specify a time limit and that there would be a challenge because the time limit had been exceeded by a few days. It is ludicrous to suggest that such reports would be couched in those terms. Nobody would expect a time limit to be specified.

David Lepper (Brighton, Pavilion) (Lab/Co-op): Does my hon. Friend agree that the sort of points that my right hon. Friend the Leader of the House and my hon. Friend the Member for Hendon (Mr. Dismore) made

[David Lepper]

should be raised in Committee? Today, we are dealing with the broad principles of the measure. The detail can be debated in full in Committee. Perhaps some amendment will be needed to take account of the sort of objections that have been raised.

Mr. Gerrard: I do not object to that and, I am sure, neither does my right hon. Friend the Member for Birmingham, Ladywood. When such Bills are drafted, they are never perfect. It is ludicrous to start picking holes in one clause of a private Member's Bill when the Government table amendment after amendment to Government Bills.

When we are debating Government Bills, we are told time and again that we are supposed to discuss the principle on Second Reading. Those of us who sometimes have objections to some details within such Bills are approached by the party Whips, who say, "Look, that's the sort of thing that can be dealt with in Committee. If it's not put right in Committee, you can think again on Report or Third Reading, but please don't vote against the Bill on Second Reading, because you will destroy the principle of it." That is precisely what I am told by Ministers and Whips every single time I raise a query about the detail of a Government Bill.

Jon Trickett: On that very point, less than 48 hours ago I was approached by a member of the Government who asked me about my intentions on Second Reading of a forthcoming Bill. I said that I cannot possibly agree with people being held in prison for 90 days without judicial scrutiny. The point made was, "That's a matter for the Committee, isn't it, not for Second Reading?" Is not that precisely the same point? Maybe I now ought to say that I must vote against Second Reading, which was not my intention.

Mr. Gerrard: That is precisely the logic of this argument and of trying to pretend that if there are problems with the detail of this Bill they cannot be put right at some point in Committee.

Mr. Dismore: My hon. Friend has a reputation in the House for independent thinking. On how many occasions when the Whips have approached him in such a way has he listened to them, and how many times has he ignored them and voted against Second Reading?

Mr. Gerrard: I must say that I have not kept a running count—

Madam Deputy Speaker: Order. Perhaps we can now get back to debating the Bill, rather than what the Whips may or may not be saying.

Mr. Gerrard: I take the point, Madam Deputy Speaker, but may I say that there have been times when I have listened?

The discussion of a Bill on Second Reading very much involves the question of the basic principles, so let us get back to the serious points made earlier by my right hon. Friend the Member for Birmingham, Ladywood and my hon. Friend the Member for Pendle, who talked about the democratic principles involved here.

That is the key as to what the debate is about: do we want to continue to have no guarantee whatever that this place will even be consulted about troops going into action before that important decision is made, never mind have a vote? That is where we are now. We do not even have any right to be consulted. We ought to be saying that we should have a vote. That is what the Bill is about.

12.17 pm

Mr. Mike Weir (Angus) (SNP): On behalf of the Scottish National party and Plaid Cymru, I first congratulate the right hon. Member for Birmingham, Ladywood (Clare Short) on introducing this excellent Bill, which we will certainly support.

Quite why the power to wage war is, in a democracy, vested in the Prime Minister rather than the democratic Parliament is a mystery to me. The Library note on the subject starts by making this admission:

> "It is widely accepted that the Royal Prerogative is a concept which is both difficult to explain and to define".

That very fact should surely cause us all a great deal of concern.

The royal prerogative is very much a throwback to an earlier age—that of the absolute monarch, where the state and the monarch were regarded as much the same thing. Louis XVI said, "I am the state." And we know what happened to him. Perhaps in past centuries, the concept made some sense, but all actions, wars or military matters are very much political. Generally, they are played out not by one state, but by an alliance of states. Thinking back, the only recent example I can recall of the UK going to war on its own is the Falklands conflict. Each and every other conflict came under the auspices of the United Nations, NATO or some other alliance. The royal prerogative is very much a fig leaf for the Government, and it would be much more appropriate for the democratic Parliament to debate and decide such matters.

Indeed, that is not a particularly novel concept. The President of the United States may get his instructions on a direct line to God, but he is none the less required, under the War Powers Act 1973, to take the matter to Congress in a process not unlike what is envisaged under the Bill.

The research paper on the matter says specifically:

> "The War Powers Resolution requires regular consultation with Congress in contemplating military action, written notification within 48 hours of such action, with its 'estimated scope or duration', and congressional consent through either a declaration of war or 'specific statutory authorisation'. If such approval is not granted within 60 days, the President is supposed to withdraw US forces within a further 30 days."

Obviously, that gives Congress, the democratically elected Parliament of the United States, a great deal of power, at least in principle, when the United States goes to war. It is interesting to note that just as the Government seem to oppose giving up the royal prerogative, the American War Powers Act was passed over the veto of President Nixon.

Mr. Hoon: I am sure that the hon. Gentleman will want to give the House the full picture on the War Powers Act. First, he will know that it is the subject of considerable legal controversy in the United States as to

the extent of its application. Secondly, American forces have been deployed on several occasions without resort to that legislation.

Mr. Weir: The Leader of the House is correct. There is a great deal of dispute as to the constitutionality of the War Powers Act, partly due to the fact that President Nixon tried to veto it. Nevertheless, in the run-up to the war in Iraq, as I understand it, the President adhered to the War Powers Act, went to Congress and spoke to both parties in Congress prior to doing so. The United States Congress passed the War Powers Act in the first place because the US had got bogged down in undeclared war in Vietnam, which raised a great deal of concern. Many Members of the House, looking at the current situation in Iraq, can also have a great deal of concern.

Mr. Gray: The hon. Gentleman is repeating a point made earlier in the debate about the difference between the United States and the United Kingdom. Does he accept that there is a fundamental, constitutional difference: the President of the United States is not a member of Congress or answerable to Congress, whereas the Prime Minister is a Member of the House, and if he does something wrong, he can be chucked out, whereas the President cannot?

Mr. Weir: That point does not make a great deal of difference. Ultimately, either the President or the Prime Minister can declare war, and under the War Powers Act, the President is answerable to Congress, subject to the dispute about that. As has been rightly pointed out, the President can end up being impeached if he does not do what he is supposed to do.

There has been a great deal of debate about clause 2 on the report relating to proposed participation and the expected geographical extent of that participation. A point was raised as to whether the geographical extent should be more generally stated, but it must be fairly specific, because if the report were to say, "We will take action in the middle east", that could cause an awful lot more problems than it solves. Furthermore, nothing in the Bill says that the duration of the conflict must be stated to the day, as has been suggested. It is the expected duration, such as six months or a year, that is required, and we all accept that the duration might go beyond that. There is no particular problem there.

The most compelling argument that I heard against the Bill is that the flexibility of rapid response and the element of surprise in launching operations would be compromised. As a Member representing a military installation and many servicemen, that gives me some concern. Such arguments are not valid, however. The Bill does not seek to control each and every part of a military operation. It recognises specifically that speed might be essential in certain situations, and that a parliamentary debate will therefore take place after such action has commenced. Again, such provisions are very similar to those of the American War Powers Act.

John Barrett: Does the hon. Gentleman agree that when a war is based on intelligence, time for consideration and reflection is absolutely vital, whereas speed is of the essence when we are under attack?

Mr. Weir: I agree. Obviously, if the United Kingdom or any part of it were under attack, action would be taken. History shows us, however, that the United Kingdom is not normally subject to sudden surprise attacks. The road to war is often long and tortuous.

During the summer of 1939, in the period leading up to the second world war, there were numerous incidents and negotiations before the eventual outbreak of war. The hon. Member for North Wiltshire (Mr. Gray) spoke of Mr. Chamberlain coming to the House and making a very brief statement. If I recall my history correctly, before that Chamberlain had given Germany an ultimatum for its withdrawal from Poland. Only after Germany refused to withdraw was war declared, and it was hardly a surprise when it came along.

It was clear for weeks before the Falklands war that the armed forces of the UK would try to retake the islands. Indeed, it took the fleet many weeks to steam south. More recently—as the hon. Member for Walthamstow (Mr. Gerrard) pointed out—after Iraq's invasion of Kuwait, the build-up of coalition forces took some time, and Saddam can have been in no doubt about what was intended. The same is true even of the current war in Iraq.

It is, perhaps, ironic that the campaign for the Bill was given a lift by opposition to that war. It is one of the few instances in which a vote did take place, but it is worth looking again at the terms of the motion. I draw attention particularly to these words:

"the United Kingdom must uphold the authority of the United Nations as set out in Resolution 1441 and many Resolutions preceding it, and therefore supports"—

the House supports, that is—

"the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction".

What a crock that turned out to be.

I believe that if we are to send our armed forces into conflict, we must do so with the full backing of our democratic institutions, not on the basis of some vague notion of outdated royal prerogative, or an agreement between the President of the United States and the Prime Minister of the United Kingdom. The Bill will reassure our armed forces that when they go to war they have the backing of Parliament. I think that that is the right thing to do, and I urge the House to accept the Bill.

12.27 pm

Mr. Sadiq Khan (Tooting) (Lab): I rise with some nervousness following the reference by my hon. Friend the. Member for Newport, West (Paul Flynn) to assassins. I am not sure whether the alleged victim would be the Bill, or any Member who spoke in favour of it.

Nevertheless, I think that the debate is important, and I welcomed what was said about trying to avoid party politics. I do not see the Bill as an anti-war bandwagon on to which people are jumping. As I said, I think that this debate is important, and it is important to me for a specific reason. Until recently, I had a proper job. Before I became a parliamentary candidate, I did not understand the public's distrust of politicians. The lack of trust in politicians, and in the legitimacy of the House and Parliament generally, is a real issue. I see the Bill, imperfect though it may be, as a way of reconnecting our constitution with those outside, and helping to restore trust in politics among a sceptical public.

[Mr. Sadiq Khan]

We hear allegations about Parliament being treated with contempt, or about a blurring of the separation of powers. Ironically, once perfected, the Bill could well help to rebut those allegations. I do not see the Iraq war debates as an excuse for the Bill, but I do think that they set a precedent. The hon. Member for North Wiltshire (Mr. Gray) mentioned other precedents. As we heard again a few minutes ago, in 1939 the then Prime Minister, Neville Chamberlain, reported the declaration of war to Members of Parliament as an accomplished fact. Members have also mentioned the Korean war in the 1950s and the Gulf war of 1992. Having read a Library research paper, I understand that Members had a chance to vote on substantive motions only after troops had been deployed and hostilities begun. There may be some who say things have always been this way and we have always had the royal prerogative, so there is no reason to change it. We had slavery for a while as well, and we abolished that although things had been done that way for a long time. Notwithstanding what people say about our stance on child poverty, the fact that we have always had it is no reason why we should not try to battle it.

Mr. Gray: Will the hon. Gentleman give way?

Mr. Khan: I will later, but I want to make some progress first.

I do not necessarily see the Iraq debates and motions as an example of system failure that therefore justifies change, as some have argued. I see the war as an example of how the Bill will, in practice, not stop the Executive going to war if they want to. That is the irony in my contribution. I see in the debates around the war some examples of good practice, and by that I mean that between the recall of Parliament in September 2002 and the commencement of military action on 9 March 2003, there were four debates on Iraq and three substantive motions, although I hear the differences expressed about whether two of those motions were directly related to armed conflict. There were also 11 statements and a general debate on global defence. I do not necessarily say that the decision of the House would have been different had the Bill been passed before then, but the key players would have known at the outset what was required of them, and that clarity would have led to the transparency that the public deserve in the United Kingdom in 2005.

At the moment, there is no requirement on Ministers to let elected Members from all parts of the UK have a say in this House on deciding whether British armed forces should be deployed. The Bill makes explicit what was implicit in the 2003 decision by removing the war-making decision from prerogative powers and vesting the power in Parliament instead. Doing so will, incidentally, have even more legitimacy once we reform the House of Lords, and I ask colleagues on both sides to use their influence to ensure that the Joint Committee to do that is set up as soon as possible.

I accept that the Bill is not perfect, and flaws have already been identified. I am concerned about what will happen when special deployment forces are required. I am concerned about some definitions, about how we resolve conflicts between the Executive and the Commons and about the content of the report that will come to Parliament. I believe, with the greatest of respect to my hon. Friend the Member for Walthamstow (Mr. Gerrard), that clause 8 needs to be considered in respect of self-defence issues, because some concerns can be dealt with in Committee.

David Wright: Does my hon. Friend agree that we need to think about other areas, such as our commitment to fellow NATO countries? The NATO stipulation is that if one of us is attacked, we are all attacked. That was the basis on which we took action against the Taliban regime in Afghanistan—one of our NATO allies was attacked by a group of terrorists sponsored by the regime in power in Afghanistan. There are difficult technical issues around what constitutes self-defence, particularly in the NATO context.

Mr. Khan: My hon. Friend makes a good point, and I draw his attention to clause 10, dealing with interpretation, which seeks to define armed conflict. I agree that clause 8 is worthy of more discussion and debate in Committee because there is real concern, not just about multinational forces, such as NATO, but about peacekeeping forces and the role that they play. That will be worth considering in Committee once the Bill's drafters have the expert advice that has been so useful on other Bills.

The objection has been made that we will lose the element of surprise. I hope that that has been rebutted by examples of previous conflicts in which there clearly has been no element of surprise, but it is also rebutted by the Bill's retrospective provisions. Other concerns have been expressed by colleagues. I hope that as a new Member I am not being too arrogant by making this point, but I do not accept that the House of Commons is not equipped to make decisions as important as whether we should go to war.

The third main objection to the Bill, with which I disagree profoundly, is that it might encourage our Prime Minister or a Secretary of State to mislead the House because they would have to come here to justify their actions. Another objection to the Bill was that it could have an impact on advice given by an Attorney-General.

Mr. Gray: Does the hon. Gentleman agree with the broad principle that the distrust and disaffection in the political process that he described earlier has come about as a result of the activities leading up to the Iraq war—the dossier and all the misleading that occurred—when there was a vote, but that in previous wars such as Afghanistan, nobody distrusted what the Prime Minister was doing? They trusted him, or her, and went along with the decision. It is only because the Prime Minister had to come to the House and ask for a vote that he got involved in the dossiers, the spinning and deceit that have led to the disaffection that the hon. Gentleman described.

Mr. Khan: No, I do not agree at all. The public question the role of the House and they question what the people they elect to Parliament do. If they see their elected representatives deciding how the armed forces are to be deployed, that may help to make us more legitimate.

A fifth objection to the Bill relates to self-defence. I agree with my hon. Friend the Member for Telford (David Wright) that the issue needs to be considered in Committee.

Recently, I had the joy of re-reading Robin Cook's diary, "The Point of Departure". One of the reasons that it is crucial for statutory force to be given to the precedent established by the Iraq war is that, although on that occasion members of the Cabinet and a principled Leader of the House were determined to allow democratically elected representatives an active role in deciding whether our armed forces should be involved in the conflict, that may not always be the case. The Bill would enshrine constitutional safeguards leading to transparency, which would mean that we would not need to be dependent on the generosity or beliefs of those occupying the top positions in the Executive, but that irrespective of their personalities and beliefs, we and the other place—to be reformed, I hope, before too long—would have the right to debate and decide on the declaration of war and the use of our armed forces in an armed conflict. That must be a good thing, which is why I shall support Second Reading.

12.37 pm

John Barrett (Edinburgh, West) (LD): I congratulate the right hon. Member for Birmingham, Ladywood (Clare Short) on bringing this well thought-out and straightforward Bill to the House. Too much that comes before us is too complicated, but this measure hits the nail on the head. It is a matter of life and death: it is about who takes the decision to take this country to war.

I have listened closely to all the speeches, but I am still waiting to hear a substantial argument against the principle of the Bill. There has been much concern about the fine detail but, as the hon. Member for Tooting (Mr. Khan) said, that can be dealt with in Committee.

One of the arguments against the Bill was that it would encourage the Prime Minister to produce dodgy dossiers. We need to hear a stronger argument against the Bill than that if the measure is to fall.

As several hon. Members said, we missed the participation of the late Member for Livingston, Robin Cook. He would have been pleased about the Bill and I am sure that, if he is looking down on us, he will have been impressed by many of the speeches made in favour of it, although some of the content of the speeches against it might have brought that quizzical look to his face.

The right hon. Member for Birmingham, Ladywood mentioned public engagement and the opinion polls, including the Rowntree poll that found that 83 per cent. of people were against the Prime Minister taking such decisions on his own. At that time, I was speaking to the political society of Fettes college in my constituency, the Prime Minister's old school. On that evening, I launched an opinion poll in my constituency that asked, "Do you agree that the entire British Parliament, rather than the Prime Minister alone, should have the final say on whether our country goes to war?" The answers were, "Don't know", 2.4 per cent.; no, 6.4 per cent.; and yes, 91.2 per cent.

Mr. Heath: And it is the Eton of the north.

John Barrett: Indeed it is.

The details can be considered in Committee, but I want to mention one of them: the expected geographical extent of participation, which is important for a number of reasons. We have heard a number of comments about the position in the United States. I spoke to a number of Congressmen in Washington after the war had started. They were told that they would not be given the fine detail of the information and intelligence that was available, but that the President knew and they should trust him that war was about to break out. They told me that they thought that they were going to invade Syria.

Adam Price (Carmarthen, East and Dinefwr) (PC): Is not one reason for being specific in parliamentary resolutions precisely to avoid the kind of mission creep that has afflicted many of those military adventures?

John Barrett: I agree that it is vital to be specific, but I refer back to my intervention on the hon. Member for Angus (Mr. Weir). When we are dealing with possible conflicts based on intelligence, there is time for reflection. The question of surprise has long since gone when the troops are amassing. However, the Bill deals with the fact that an immediate response would be necessary if we were under attack.

David Wright: How would the hon. Gentleman respond to the point about the geographical context that I made in an earlier intervention? He may recall that I made the point about the first Gulf war. When we liberated Kuwait, certainly US paratroops and, I think, some British forces were dropped into southern Iraq to ensure that forces could not come through Iraq into Kuwait to strengthen the Iraqis that were there and to cut off the lines of retreat. Is he suggesting that we should have had a specific resolution in the House that troops would only go into Kuwait and not deploy themselves strategically across the region?

John Barrett: I am not suggesting that at all. It is obvious that, when refuelling and other stops on the way to the conflict are needed, other parts of the world will be involved. However, the broad principle of the decision should be made in the House, not by the Prime Minister on his own, and three groups of people would benefit: first, the British public; secondly, our servicemen and women; and, thirdly, Parliament itself. I shall return to that point in more detail.

Mr. Joyce: On the benefit to service personnel, if we were to make a retrospective agreement or legislation that an action had authority and was therefore legal, troops could carry out actions in positions where it was not necessarily legal for them to be when they were doing them. We can imagine Tommy Atkins getting to the end of his fight and asking his platoon sergeant, "Is this a legal action?" and his platoon sergeant saying, "Not yet, mate, but don't worry—they'll probably legislate to make it legal in a few weeks' time."

John Barrett: That is a vacuous point. Several hon. Members gave examples of speaking to service personnel in their constituencies who say that they would rather have the reassurance that the decision was taken not just by one man or woman, but by the entire Parliament. We are looking back to the Iraq war, but we

[John Barrett]

should look forward to future Prime Ministers and future wars. The hon. Gentleman cannot honestly believe that our service personnel would rather take part in a conflict in the knowledge that one individual had made the decision, rather than the entire Parliament.

Mr. Joyce: My point is that troops could be carrying out action at a time at which it would not be legal. Is the hon. Gentleman trying to say that troops would be happy to carry out action that could subsequently be determined as unlawful?

John Barrett: I simply disagree with the point that the hon. Gentleman makes.

Servicemen and women would prefer the backing of Parliament to that of the Prime Minister on his own, and the British public expect their elected representatives to be able to stand up and be counted. It might be that people on the anti-war march had different reasons for being there. I was one of the people who marched and, as a member of the general public, I would expect any elected representative to be able to take a decision on the major issues of the day. Nothing is more important than sending our troops to war, and many civilians and troops have died in Iraq. It does Prime Ministers no good if they feel that they cannot argue and win their case in Parliament. Parliament could suffer in the long term. There will be wars in the future, so we have the opportunity today to look forward and say what should happen next time a similar event arises.

Mr. Keetch: My hon. Friend is touching on an important point. There will be a time when a Prime Minister will come to the House to seek permission to carry out military action and it would be appalling if his position was justified, but he was unable or unprepared to carry out action because there was no procedure for the House to check and authorise the decision. Such a situation could put the country in a worse position. We need the Bill not because of what happened with Iraq, but because of what will unfortunately and inevitably happen in the future.

John Barrett: My hon. Friend is exactly right.

We must try to increase public trust in elected representatives and Parliament. We do a disservice to the public if we say that we are not prepared to debate the substantive issues of the day in the House. I accept that there will sometimes be intelligence material that cannot be shared on the Floor of the House, but there must be Committees, such as the Intelligence and Security Committee, with which such information could be shared so that hon. Members would be more inclined to trust the process. The debate is a question of trust. The people of this country did not trust what the Prime Minister said in the House. Whether we were misled or there was a dodgy dossier, the information that we were given was not correct.

Earlier this week, several of my colleagues and I had the good fortune to meet Hans Blix, who gave us some inside information on what actually happened during the search for weapons of mass destruction. He and his team were out there searching for weapons of mass destruction and hon. Members will remember that Saddam Hussein was told that, if he were to hand over his weapons of mass destruction, there would be no invasion. We now know that those weapons did not exist then and do not exist now, so there was no way out. People do not trust what they hear from the Prime Minister on the issue.

Mr. Gray: I do not wish to labour this point, but does the hon. Gentleman agree that the reason why people distrusted the information that we were given in this place was because the Prime Minister had to come here to give us that information? If he had simply said, "I have decided on the information that I have available to me privately to go ahead with this war", and had not been required to come here, he would not have had to mislead the House.

John Barrett: With respect to the hon. Gentleman, that is the most bizarre argument against the Bill that we have heard today. Is he suggesting that the Bill should be defeated because it would mean that the Prime Minister would be forced to come to the House and tell the truth? The hon. Gentleman alleges that the Prime Minister was forced to come to the House, to spin and to produce dodgy dossiers and says that a similar situation would be the result of the Bill. If that is the best argument against the Bill, I shall stop now and rest my case.

12.49 pm

Jon Trickett (Hemsworth) (Lab): Those of us who believe that the Bill is correct should be happy with the debate so far. With one possible exception, no one has argued against the principle of parliamentary votes on going to war or against votes taking place in advance. The objections concern issues of detail. People who argue that, because the detail is not correct in clauses 2 and 8, the legislation itself is fundamentally flawed must answer two questions. First, why do no other western Government apart from France have a Head of Government with the extraordinary powers that our Head of Government has? All other western Governments have legislation similar to the Bill. If the problematic details in the Bill were such that the legislation undermined its own principles it would not have been possible to frame legislation that worked elsewhere because, as has been suggested, no democracy would put its troops at risk.

Secondly, on the general principles of the Bill, some hon. Members have implied that they would result in the legislature becoming a second Executive power, but that is to fundamentally misunderstand the roles of the legislature and the Executive. It is the job of the Government and the armed forces to execute the decisions of the House and the legislature. It is for the legislature to agree issues in principle and scrutinise the Executive's actions. It would be inappropriate for the legislation to detail precisely the way in which the armed forces conduct their business, nor does it seek to do so. It is simply saying that the legislature should take its rightful place alongside the Executive. It should scrutinise the Executive and give general authority to their actions, but it should not take on the role of the Executive themselves. There is nothing in the legislation to suggest otherwise. Some provisions may need to be refined, and we have already debated

whether we should do so on Second Reading or in Committee. It is appropriate to raise such matters, but they do not provide sufficient reason to vote against the Bill.

If the legislature had had the power to operate alongside the Executive in the Iraqi war, a number of matters would have been debated in more detail, and it is inconceivable that we would have held a substantive vote in March. What precisely had the UN inspectors found? What was the nature of the international coalition that had started to fall apart? What was the legality of the war? Clearly, a report would have been presented to the House giving the opinions of Government lawyers on the legality of the war. What would be the position of Iraq after the war? That was not debated, and the allies clearly failed to take it fully into account. If Parliament had debated the relevant issues, it is inconceivable that it would not have debated a post-conflict Iraq. Similarly, the lack of thorough consideration on the part of the Government about what would happen after a war would have emerged.

The legislature would also have been able to discuss in detail the implications of the conflict for international terrorism. The rise of such terrorism has been fuelled by the conflict. Finally, the nature of the intelligence, which turned out to be wholly flawed, would have been subject to scrutiny. It would have been the proper role of the legislature to debate all those matters, but that does not mean that it would have passed a resolution giving detailed and precise instructions to the Executive about how they should execute a decision to go to war or how troops should be deployed. Nothing in the Bill or the principles behind it implies otherwise. For all those reasons the Bill is appropriate.

The Iraq war has been mentioned many times this morning. If we look back, we see that the key decision that led to war was taken in December, when the troops were deployed in Iraq. Almost immediately, there was a debate about how long we could wait before the war was waged because of the extremes of temperature and the climate. The drumbeat of war had become strong at the time of the deployment, and the time scale was effectively known then because the troops were on the ground and it would not have been possible, because of the logistics and other factors, to wage a war much later than March.

Those people who say that we do not need the Bill because a substantive vote took place that March mistake what happened and have not thought clearly about the history of the dispute. The relevant substantive motion is the one that was debated in the November before the troops were deployed. The terms of the Government resolution are clear. That debate—I had an exchange with the hon. Member for North Wiltshire (Mr. Gray) about this—was about international diplomacy, the role of the United Nations and the construction of a coalition. At no time then was a resolution proposed that envisaged no alternative but to go to war. Yet, after the vote, that motion was cited as justification for placing troops in Iraq, which, as I said, committed us irrevocably to the conflict that took place in March.

Mr. Gray: The point is that on 25 November Labour Back Benchers tabled an amendment to the Government motion, which said that under no circumstances should there be war against or invasion of Iraq. That resulted in the entire debate being on the question whether we should deploy armed force against Iraq.

Jon Trickett: I voted for the rebel amendment, but many hon. Members did not vote for it because they took seriously the words of the Government motion, which clearly envisaged the construction of a worldwide alliance centred on United Nations action. That was why the rebel amendment did not secure as much support as it might have done.

In retrospect, it is clear that the die was cast by the time of the December deployment: we were in a state of preparedness for war and the time scale had been determined. There had been no appropriate debate in the House that permitted us to proceed with the conflict.

David Wright: Does my hon. Friend accept the principle that it is legitimate for our country to deploy troops as a mechanism to try to force the hand of another nation to comply with United Nations resolutions? I fully accept and agree with his point that, in Iraq, the deployment led on to conflict that would have been difficult to stop, but the principle of deploying troops to try to provoke a positive reaction from a nation must surely be an option available to the Government, possibly without their having to come to the House.

Jon Trickett: I entirely accept that that may be the case, but, as we now know, it was not the case at the time because, some months beforehand, on that fateful day at Camp David or on somebody's ranch somewhere, the Prime Minister had committed himself to war. The Government's real intention in deploying the troops was not, as was being said in the House, part of international diplomacy, but the first act of war. That is the point of the December deployment.

Those who rest their case on the argument that a good practice was established in the run-up to Iraq because there was a vote on a substantive motion in March fundamentally misunderstand what was happening in October, November and December of the previous year. That illustrates the need for a statutory framework that does not impinge on the capacity of the Executive to operate as a true Executive, nor on our armed forces to be able to defend themselves or to act in urgent circumstances. We need a statutory framework within which we are all locked.

I shall make two confessions to the House. First—this will probably not be too much of a shock for those who know me—I have never knowingly allowed the word "new" to come between my surname and the word "Labour". Secondly, I have many good friends who are new Labour. I have studied the Prime Minister's words in his change maker speech. As an hilarious aside, someone moved next to me when my right hon. Friend was making his speech, and I thought he said that he was a rainmaker. I thought, "Why do we need rainmakers when it always rains at party conferences?" However, he was saying that he was a change maker and that that was what new Labour was about.

What is the change for? Is it change for its own sake? *[Interruption.]* That may be so. A second word comes in, and that is modernisation. We are here to modernise

[Jon Trickett]

the country. What is modernity? Surely that does not mean resting our case or our powers on a mediaeval legal framework that resides in the idea of absolute power and the notion of the divine right of monarchs to rule, to wage war and to do anything else with the country. Modernity surely implies a modern Parliament.

There are other buzz words in the change maker's speech, such as accountability, transparency and democracy. That is the language of new Labour. I might well aspire one day to become a member of new Labour because I can use all of those words. I say to new Labour friends who are perhaps considering not voting with the progressive consensus in the House that includes Conservative, nationalist and Liberal Democrat Members and others, thinking that this is not quite the right thing to do, to examine the words of the Prime Minister, the chief architect of new Labour.

Here is a piece of legislation that proposes modernisation, change, transparency, accountability and democracy. Come and join us in the Lobby. Come and join the progressive consensus that is clearly emerging this afternoon.

1.2 pm

Sir Peter Soulsby (Leicester, South) (Lab): It is significant that, with a couple of notable eccentric exceptions, the majority of Members who have spoken against the Bill have done so not on the basis of principle—parliamentary scrutiny and approval of proposed armed conflicts—but on the two themes of necessity and the problems associated with implementation. I shall deal with those themes one at a time.

On necessity, it is argued that following the events in the run-up to the Iraq war a convention has been established or the principles have been set, or the promises have been made, that make any future move towards armed conflicts a matter that will inevitably come before the House for a substantive vote. That may be the case. It may be that it is inevitable, now that the precedent has been set and perhaps a convention established. However, that is not the point.

It is not the point because such conventions and such principles would not provide for a proper legal framework for consideration. They would not provide for reliable information to be in front of the House on which it could base its consideration and its decision; they would not allow for proper scrutiny; and they would not guarantee approval in advance. It is important that we have a proper legal framework. Perhaps it is even more important that that framework is established to ensure proper consideration not only in the Houses of Parliament but in the Government. If one thing is evident from the way that we went into the conflict in Iraq it is that such proper consideration did not take place. The House should support the Bill for the sake of the Government's democratic accountability and proper consideration within Government.

The Bill is not just about Iraq, although many of us still feel very bitterly the anger and betrayal of that appalling blunder, and are reminded of it with every suicide bomb that explodes and every day's newspapers that we open in which we read of events there. As my hon. Friend the Member for Walthamstow (Mr. Gerrard) pointed out earlier, we should support the Bill not just because of our opposition to the war in Iraq, but because of our experience of the way in which we went into that war. Hon. Members on both sides of the Chamber who have spoken today in support of the Bill may take very different views on the armed conflict, but they want to ensure that any future potential armed conflict is given proper consideration in the House and by the Government.

The other criticism of the Bill has related to problems associated with it. Inevitably, some legitimate issues have been raised about the Bill's implementation, but all are matters that can be sorted out in Committee. In my very limited experience, the problems with the Bill are no greater than those with many other Bills making their first appearance in the House.

When we were moving inexorably, as it seemed, towards the Iraq war, many inside and outside the House campaigned under the banner "Not in our name". The Bill gives us an opportunity to say that, in future, without proper consideration, information and consent, it will be never again in our name.

1.7 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): I feel very uncomfortable about the Bill. I make no great claims for myself as a lawyer or a constitutional expert—I am sure that there are many such people here today, but I am definitely not one of them—but even I can see that there are major problems with the Bill.

As a Back-Bench Member of Parliament, of course I would always want Parliament to be involved in deciding in which conflicts our troops did and did not take part, but I have been happy with the way in which Parliament has been consulted on the conflicts that have taken place in the eight years that I have been in the House. I do not feel that we have been excluded, and I am pleased that the Government say that they cannot envisage a time when Members of Parliament are not involved in these decisions. I cannot even imagine a time when another Government would not involve us.

However, the Bill is not about involving us in the decision; it is about Parliament making the decision. It means that we could have to define the exact nature of what our troops can do, where they can do it and who they can do it against. That is completely unreasonable, and everyone knows that it is completely unreasonable—even the Bill's sponsors—as the Bill goes on to say that if we do not know those precise details, the military can go ahead anyway and come back to us later to check that what has been done is okay with us.

I think that that is ridiculous, but this is not about me. This is about the people who are brave enough to fight on behalf of the country; it is about the people whom I really care about—the people in my constituency who joined the armed services. So I have spoken to a number of people who have done precisely that. I wanted to find out from them how they would feel if the Bill became law, and doing so helped me to make up my mind for sure not to support it.

First, I spoke to Bert Wells of St. Helier avenue on the St. Helier estate. Bert is in his 70s, and still sees active service as one of the hardest working envelope-stuffers

for Mitcham and Morden Labour party. In 1946, Bert joined the Army. He spent three years with the Royal Electrical and Mechanical Engineers and served in north Africa and the middle east. He was sent to Palestine following the UN decision on partition into Jewish and Arab states. As we know only too well, that part of the middle east is extremely volatile, and some groups could not accept partition and engaged in a series of terrorist attacks. That was a frightening time, and Bert said that "troops were being attacked night after night".

The UN arbitrator, Count Bernadotte, was assassinated, and six of Bert's Army colleagues were killed in action—Bert acted as a pall bearer for one of them. For Bert and for many other British soldiers Palestine was a distant place, so I asked him how he felt about a Prime Minister having the power to send troops to fight and die for causes many miles away. He has told me that he did not want to go to war and that nobody ever wants to do so, but that in his view, "If you have to go to war, you must."

Bert said that the Prime Minister must make a decision, that the military must provide advice and that the Cabinet must be involved. However, he does not want the details to be advertised in Parliament: "If you embark on active duty, you don't really want people to know. When we were allowed home on leave, we could not tell people what we were going to be doing when we got back in case it put you in danger. It is a bit like the Queen—you wouldn't necessarily want your enemies to know where she was going in case she was ambushed. I wouldn't like it if our enemies knew where I was going."

Bert feels strongly that if the Government asked troops to fight in a conflict and Parliament second-guessed their orders later, it would put more pressure on the troops. He is worried that his officers would have been unable to react when suddenly attacked if they were unclear about how their response would go down in a parliamentary debate. He said, "I don't think something like that should be debated in Parliament. It would be very worrying."

Alf Jones lives in the Ravensbury ward and is another Labour party stalwart. By trade, he is a butcher, and he joined up on 4 September 1939, the day after the second world war was declared. He was in the Royal Artillery, and although he spent most of his time in Ireland patrolling the border, he was involved in action in mainland Europe. He took part in the D-day campaign and told me that there were only five survivors from his unit. Alf told me that someone came into his butcher's shop after the war and said, "Are you Alf Jones from 241 battery?" Alf said, "Yes." The man replied, "Why aren't you dead?"

Alf also told me about the time when he had been in hospital for two months and then went back to headquarters to wait for his next assignment. Suddenly, his unit came under attack, and 40 men took a direct hit just yards from him. He said that he saw those men blown into a thousand pieces. "I've seen things I never want to see again", he said. We expect a lot from our troops; I feel that I have heard only a fraction of what he has been through. He said that he has been to hell and back, and that he feels like he has also been to heaven and back five times, because that is how many times he cheated death. He now says that if anyone ever asked him to go to war again, he would say, "No." We must always try to find a better way, but Alf admits that sometimes we must go to war. Like many hon. Members in the Chamber today, he did not agree with the war in Iraq, but he told me that now he has found out what Saddam Hussein was doing, we probably had no choice.

Alf also said that when he was about to start fighting, he was "thrilled"—a shocking word. He said that a lot of the people with him were scared and frightened, but that he was genuinely thrilled. The only time that he was scared was when he was in the thick of it. He told me, "No one's got the forethought to know what's just about to happen. You just don't know. Things happen so quickly and you have to respond."

I asked Alf what he would have thought if he had not received final approval for what he was doing. What if he had not had the backing of his military commanders because Parliament had not yet given its approval? What would he have thought if he had had to go ahead and hope that Parliament would retrospectively give its approval? He said, "That is ridiculous. You've got to defend yourself. You've got to do what you've go to do. It'd be like fighting with one hand behind your back. I wouldn't say it would be an easy thing for Parliament. How would they know what we had to do?" I hate to think how people such as Alf would feel if he put his life on the line and then, a few days on, MPs stood up in this hallowed Chamber and said, "No. You should not have done that." I did not have the heart to ask him that question, but I know what he would think.

Mr. Keetch: Will the hon. Lady give way?

Siobhain McDonagh: The hon. Gentleman has said a great deal, and I want to give other hon. Members an opportunity to join in.

What message would that have sent out to all the men and women who are so brave and have to go through what Alf had gone through?

Vince Romagnuolo joined the RAF in 1977 and spent nearly seven years working for the tactical communications unit, which worked closely with Harrier jets and helicopters to provide landing strips in battle zones such as the Falklands. Those enabled the air force to provide its air cover for our troops in any action and gave the flexibility needed on a modern battlefield. Vince was mainly based in Brize Norton and Germany when the cold war was raging—a time when we had powerful enemies who would very much enjoy knowing more about our military plans. Vince is a strong Labour party supporter. He believes that men and women in the forces might be put in danger if every action had to have a detailed substantive parliamentary vote and the military lost some of its flexibility to make decisions.

Vince said: "We need clear leadership, and I am happy for this to come through the Prime Minister and the Cabinet. It's good to have broad parliamentary approval, but it would be destabilising to the troops if it was not clear who was in charge. It would sow uncertainty in people's minds and could undermine the chain of command." Worst of all, he was worried that troops would feel less safe if their role was not clear. He said: "It could give succour to the enemy if they knew that everything you were going to do was going to be debated from the safety of the House of Commons later. That could lead to more attacks on you and would make you feel less safe."

[Siobhain McDonagh]

When push comes to shove, it is unfair on ordinary people in our armed forces—people such as Bert, Alf and Vince and thousands of others across the country—if there is no clear chain of command. We do not know what the next conflict will be, where it will be, or how it will develop once it is under way. In those situations, we need to give the Government the room to govern. Of course Parliament should always be involved—we should always be consulted whenever possible—and I cannot imagine a time when we are not included in the broad aims of any conflict. However, we cannot allow the Bill to pass. We do not know what the precise specifications of every conflict that ever happens will be, and we certainly cannot know what will happen when those conflicts are under way. We cannot put our troops in the position of not knowing whether they would get retrospective approval for any actions that they had to take beyond what Parliament had already agreed. We cannot undermine them in that way.

We sit here, in the comfort and rarefied atmosphere of these green Benches in this beautiful city. How can we know what it is like on the battlefield? How dare we deign to tell our fighting men and women whether they were right to do what they did after they, in all good faith, have already fought and died?

Yes, some of us feel bad about Iraq; some were even in the Government when that decision was made. I think that deposing a murderous tyrant such as Saddam Hussein and introducing democracy to that part of the world was the right thing to do. I know that some people disagree. However, we cannot start changing the law for every future conflict because we feel guilty about how we behaved in the last one. We cannot constrain our troops by telling them, "You fight now—we'll decide whether you were right to fight later." We cannot tie their hands behind their backs. We have to stop thinking about ourselves and start thinking about the brave men and women in Mitcham and Morden and elsewhere.

1.18 pm

Mr. Andrew Dismore (Hendon) (Lab): My heart is very much behind the sentiments of the Bill but my head tells me that it is an unworkable proposition. It is so badly drafted, from the long title to the commencement clause, as to be fatally flawed and not worthy of receiving a Second Reading. It is a recipe for indecision and parliamentary stalemate, and for judicial intervention in matters that are rightly for the Government. It could endanger the lives of our service personnel and has the potential to criminalise our armed forces under domestic and international law.

We have heard a lot today about the war in Iraq—old arguments that we have debated many times. However, this is not about Iraq—it is about the potential future commitment of our armed forces. It is inconceivable, given the way in which the conventions have developed over the years, that any Prime Minister would willingly commit our country to war without the support of this House expressed in an Adjournment debate or a vote such as that which we had on the war in Iraq. It is inconceivable that our Prime Minister could have continued if that vote had gone against him and—I go further—if a majority of Government Members had not voted for the Government's resolution.

What difference would the Bill have made to the war in Iraq? It would have made no difference to the way in which the debates have continued in the House. I doubt that the criteria for which clause 2 provides would have made a difference to the information that the Prime Minister and the Government laid before the House. The dossier, whether it was criticised or not, would have been the same. The legal advice from the Attorney-General, brief or full, would have been the same. Exactly the same information would have been presented to the House. In presenting the Bill, I suspect that there is an element of sour grapes on the part of those who lost the vote.

David Howarth: The hon. Gentleman began by saying that the Bill would have all sorts of terrible consequences. Now he appears to argue that it would have no consequences. Which is it?

Mr. Dismore: If the Bill had been in force at the time of the Iraq war, it would have made no difference. I shall go on to elaborate, in some detail, that the Bill could have serious implications for any future conflicts. It would have made no difference to the proceedings in the House on the Iraq war, save that the motion would have had be presented to the House because of the Bill, not because the Government rightly saw fit to do so.

Mr. Llwyd: One difference is that we would have seen the full opinion of the Attorney-General. I gather from many Labour Members that their opinion would have changed if they had read that document.

Mr. Dismore: I take issue with the hon. Gentleman on that. Clause 2(b) provides for presenting

"the legal authority for proposed participation".

It does not state "the opinion of the Attorney-General". It provides only for the legal basis. The one page—inadequate as it may have been; I was satisfied with it at the time—would have been enough to comply with the requirements of clause 2(b). The Bill gets one no further.

However, the measure could have criminalised the actions of our special forces, who, I am sure, were operating in Iraq before the vote. I believe that was right for two reasons: first, to undertake the reconnaissance and intelligence gathering, which provided part of the information that the House needed to make its decision; secondly, to prepare the ground for any future action. Special forces also ensured that important steps were taken to prevent any pre-emptive action by Saddam Hussein, which would have made things even worse. If the Bill had been in force, our special forces could have been committing criminal acts as individuals because their actions would have been unlawful.

David Wright: My hon. Friend will recall that, in the first Gulf war, SAS troops were deployed in Iraq to intercept Scud missiles that could have been used against Israel and coalition forces before Kuwait was retaken. Examples are found not only in the second Gulf war but in other conflicts of special forces being effective in protecting our troops before the commencement of formal action.

Mr. Dismore: My hon. Friend is right. Let us suppose that Saddam Hussein was preparing to use a chemical

weapon or even a conventional weapon against Jerusalem. Let us suppose that he had deployed it. What would have been the consequences not only for the Iraq conflict but for the middle east and the world?

Jeremy Corbyn (Islington, North) (Lab): That is an interesting argument. On that basis, any country that feels under threat from any other country at any time would be justified in taking pre-emptive action. Is not that a recipe for endless war?

Mr. Dismore: Certainly not. It is a recipe for the reality of modern armed conflict. Special forces exist and have to be deployed for intelligence-gathering purposes. Their main role is reconnaissance. Everyone knows that. I therefore find it bizarre that, under the Bill, we could not commit special forces without a resolution from Parliament. That would negate the purpose of sending special forces. However, one would not know whether one wanted to send them in the first place if one had not gathered the intelligence that needed to be presented to the House in order to make the decision. There is an incredible circular argument, which means that special forces become unusable if the Bill is passed.

Mr. Keetch: I am sure that no Member of the House would want our special forces to be made redundant, but this matter hinges on the definition of armed conflict, which is not what the normal special forces operation would be considered. Indeed, if the hon. Gentleman is saying that special forces operations ought to be dealt with under Geneva conventions and treated as armed conflict—that that is his position and that of his colleagues on the Front Bench—he is extending the legal quagmire in which existing special forces operations may well be undertaken.

Mr. Dismore: That is entirely the point. The next argument, which I was coming on to, involves the definition of armed conflict in the long title and throughout the Bill. The problem is that armed conflict is defined by referring back to Geneva conventions. It would be illustrative for the House if we considered the Ministry of Defence definitions in relation to some activities that the armed forces get up to. On peacekeeping, the definitions refer to

"operations carried out with the general consent of the disputing parties".

They add this:

"In general terms force may be used only in self-defence."

That is what the MOD guidance, entitled "The Application of Force", says. Peace enforcement is

"to maintain or restore peace between belligerent parties who may not all consent to"

the intervention and is essentially "coercive in nature". But the document "British Defence Doctrine" says:

"Given past experience, one real possibility is that the same forces may be required to employ warfighting techniques, to conduct"

the support operations

"and to provide humanitarian assistance all in the same area at the same time."

The problem is that the definitions in the Geneva conventions simply do not provide the focus, definitions or explanations for this dynamic.

Dr. Rachel Kerr, who is referred to in the Library brief, makes it very clear, saying that

"the Bill as it stands does not offer any guidance on this issue".

She goes on to say that

"it is a serious difficulty for the armed forces and something that contributes to the uncertainty surrounding questions of legitimacy, both of the action itself, and what can, or cannot be done in the course of that action".

Those who dispute that, such as Professor Brazier, who gave evidence to the Select Committee of which my hon. Friend the Member for Pendle (Mr. Prentice) is a member, say that we should

"leave the interpretation of... 'armed conflict' to common sense."

When one's armed forces, Ministers and generals could face a court of law, I think the question of common sense is rather vague. Indeed, I believe that this would infringe their human rights under the Human Rights Act 1998, because the certainty one needs when looking at the definition of criminal law in those circumstances would not be provided.

Colin Challen (Morley and Rothwell) (Lab): I have been listening with interest—all this is indeed very interesting—but my hon. Friend has not really answered on his first point, which was that it was right for the Prime Minister to go to war in 2003. Could it be that it was considered right only because the Prime Minister knew in advance that he had the support of the Opposition and would therefore win the vote?

Mr. Dismore: I do not think that that consideration is relevant to our debate today. We are considering the question of potential votes in the future. People voted in the debate on Iraq based on what they were told at the time. My point is that I suspect they would have been told nothing different had the Bill been in force, although that is not the issue before us, which is participation in armed conflict. All the evidence from the academics—and indeed common sense, if I might quote Professor Brazier's own argument against him—tells us that the definition of armed conflict is fluid and difficult, particularly in the context of mission creep.

In an intervention on my hon. Friend the Member for Walthamstow (Mr. Gerrard), who is no longer in the Chamber, I referred to what happened in Bosnia and Srebrenica. There, the Dutch armed forces were faced with a very difficult situation. The net result was that they stood aside because they did not know where they stood in international law and allowed appalling atrocities to take place.

Without a clear and absolute definition of armed conflict and without proper protection, which the certainty of a clear definition would give, we could, to return to my original point, criminalise not only our Ministers and generals, but our squaddies.

Clare Short: The hon. Gentleman has made the Srebrenica point a number of times, and I have not read the full report to the Dutch Parliament on that terrible matter, but if British troops were deployed to protect people in a UN safe city, our military have the capacity to give them the right orders so that they would be able to protect people if they were under attack.

Mr. Dismore: That presages my arguments under clause 8. I am not sure that that was necessarily the case.

[Mr. Dismore]

As I recall, one of the arguments in relation to Srebrenica concerned the rules of engagement under which the UN was operating at the time. Part of the problem was that they were restrictive and ambiguous, and, facing that, the Dutch troops did not feel willing to commit themselves. As my right hon. Friend's requirement under clause 8 is that action must be either "following a lawful command" or

"in accordance with lawful rules of engagement",

those troops are left in an ambiguous position. They do not have time to phone up the Prime Minister to ask him to apply retrospectively for a motion in Parliament, or to wait for a vote in Parliament to decide whether they are allowed to shoot back. I shall return to those arguments later.

I presaged my concerns about clause 2 when I intervened on the question of judicial intervention. It is a question not of the courts overruling Parliament, but of the courts interpreting and ruling on whether the Government's interpretation of what Parliament has decided is lawful and reasonable. Let me give an example. One of the matters that the Government must lay before Parliament is the expected duration of the participation in armed conflict. Let us suppose that the Government say that the war will be over by Christmas—it has been known before—and that the war is still going on at Easter. There is nothing to stop somebody going to the courts to seek judicial review, saying, "The Government are continuing a war without lawful authority, because Parliament debated it on the general understanding that the war would be over by Christmas. It hasn't happened that way. Please, judge, give me an injunction to require the Government to withdraw their troops."

David Howarth: I am reading clause 2, as the hon. Gentleman must be, and I cannot see any obligation under it to provide the House with information of the sort that he described. There is a power for the Prime Minister to make such information available, but he does not have to do so.

Mr. Dismore: In that case, what is the point of the Bill? The whole point of the Bill is to ensure that Parliament is informed as far as it possibly can be, or as far as the Prime Minister believes that he can go. If it is being suggested that the Prime Minister either tells Parliament nothing or tells it something so vague and wishy-washy that it is utterly meaningless, what is the point of having the debate and the report in the first place?

The fact remains that if a Government go way beyond what is set out in the report to Parliament, they lay themselves at risk of judicial review, of the courts intervening, and of arguments about retrospectivity and what was being done in the intervening time. The next thing will be that our British soldiers are facing war crimes trials here.

Tom Levitt: Is not it equally absurd that the conditions for military intervention, laid down under the Bill, can change drastically, time and again, without having to come back to Parliament for a reassertion that those conditions are correct?

Mr. Dismore: My hon. Friend is right. There is no obligation on the Government to come back should the duration of participation stretch from Christmas to Easter, but there is nothing to stop the courts intervening and overruling what the Government are doing in those circumstances. That is a major problem.

In relation to the geographical extent of the participation, let us suppose that our Government said, "Okay, we're going to intervene in Iraq." That would stop any hot pursuit into Syria and Iran, but the border with Iran is somewhat fluid. What would happen to our sailors who were caught on a ship in the Shatt al-Arab waterway by the Iranians and held, allegedly for being on their side of the frontier? If the Iranians are correct about that, those soldiers have committed an offence in international law, and in domestic law under the Bill as it stands, as they have engaged in unlawful military action, because it has not been approved by Parliament. That is not to decry in any way the arguments that others have advanced about the value of such intelligence to our potential enemies.

I asked earlier what difference the Bill would have made if it had been in force at the time of the Iraq war. It would have made one important difference: the decision would not have been taken in this House; it would also have required a vote in the other place. I am a great democrat. I would like to see an elected House of Lords. At present, however, the House of Lords could vote the opposite way from the House of Commons. We could end up with a parliamentary stand-off. Our armed forces could be left in an impossible position in the middle, while we played parliamentary ping-pong with the House of Lords over whether or not the country should go to war. That is not the right way in which to proceed, particularly as their lordships do not have a democratic mandate.

Jeremy Corbyn: That is a very good argument for reform of the House of Lords to make it a more democratic establishment. But are there not many countries around the world whose Governments would find themselves in a seriously illegal position if they went to war without parliamentary approval? Why should this country be any different, and why does my hon. Friend defend those mediaeval powers? I thought that he was a man of progress.

Mr. Dismore: It is because I am a man of progress that I recognise that the Bill imposes so many constraints on the potential future of our armed forces—along with the potential risk, as international law develops, of our soldiers being put on trial—that I regard this as an extremely dangerous measure. Of course it is imperative for these decisions to be made in Parliament, but in recent years a convention has developed for them to be made in the House of Commons, where they belong, by elected representatives of the people, not by unelected people in the other place.

I know that the Front-Bench spokesmen wish to wind up the debate. I should have liked to have time to deal with, in particular, the question of self-defence. I think that clause 8 is fundamentally flawed, and significantly

restricts our soldiers' ability to defend themselves. However, I said something about that briefly in interventions, and I give notice that should the Bill have the misfortune to return to us on Report, I shall table a series of amendments for the purpose of further clarification.

1.36 pm

Chris Grayling (Epsom and Ewell) (Con): I am pleased to follow the hon. Member for Hendon (Mr. Dismore). We were not denied his Friday thoughts, as I thought we might be for a while. It is part of the Friday tradition in this place to hear a long contribution from him, albeit usually somewhat longer than today's.

This has been a high-quality debate. Whatever our views may be on the pros and cons of the Bill, no one can deny that it concerns an issue of great significance and seriousness. We have heard a series of speeches that reflected that, and did credit to the House.

I congratulate the right hon. Member for Birmingham, Ladywood (Clare Short) on securing the slot, and on making her case so well. We heard impassioned speeches in defence of her view from the hon. Members for Pendle (Mr. Prentice) and for Newport, West (Paul Flynn), from my hon. Friend the Member for North Thanet (Mr. Gale), and from the hon. Member for Somerton and Frome (Mr. Heath). We also heard strong voices against the Bill: the hon. Members for High Peak (Tom Levitt) and for Hendon, and my hon. Friend the Member for North Wiltshire (Mr. Gray), who explained why, although he opposed the Iraq war, he felt that the Bill was wrong. He expressed a fear that it was populist, and concerned with the arguments over Iraq rather than what was right for the future. He also spoke of the powers that Parliament already has. It is important to remember that the House of Commons always has sanction over the Prime Minister. It can remove the Prime Minister, and in 1940 it effectively did so. It must never be thought that this House is without power, and without the ability to intervene if it thinks fit.

There is no doubt that behind the Bill lies a very real issue. Many Members, whether or not they voted in favour of the Iraq war, feel that the process of decision-making that led to it was fundamentally flawed, that the information given to the House was not correct, and that the Prime Minister should not have done the things that he did. One can say that safely without arguing about whether the actual intervention was right or wrong. There is no question in my mind that we as a House were given information that was not of the standard that we had a right to expect, and that should not happen again.

However, I think that the real failing then—this is one of the reasons why I do not necessarily believe that the Bill is the right way in which to deal with the problem—was the failure of Cabinet Government. Whatever the rights and wrongs of the decision-making in this place, it is the job of Cabinet Ministers to hold the Prime Minister to account. We have a Cabinet who are supposed to work together and to reach collective decisions. There is no doubt, as we look back from outside, that it cannot be said that that happened as clearly and effectively as it should have.

Mr. Heath: The hon. Gentleman is clearly in the early stages of a thoughtful speech, but his indication is that he will not support the Bill. I note that among its sponsors are the right hon. Member for Richmond, Yorks (Mr. Hague) and the right hon. and learned Members for Rushcliffe (Mr. Clarke) and for Sleaford and North Hykeham (Mr. Hogg), all of whom held senior office in a Cabinet. If they believe that the Bill is necessary, has the hon. Gentleman had the opportunity to discuss with them why they hold that belief and why they think that this Bill is the right Bill on the right occasion?

Chris Grayling: The hon. Gentleman rather anticipates my remarks and is putting words into my mouth before I have uttered them. If he will be patient, I shall explain what I really think. I understand the motivation for the Bill and the sentiments behind it. I have misgivings and shall set some of them out before I set out my and my colleagues' approach.

My most fundamental misgiving is anxiety about introducing a legal framework to what is always an extremely difficult area of political life and national leadership. Difficult decisions have to be taken quite quickly, and it worries me that we may end up putting our national leaders into a position in which they have to look over their shoulders and worry about the legal implications of what they do when we trust them to take quick decisions on behalf of the nation. We can hold them to account if they take the wrong decisions, but if we stop trusting them to take those decisions and start to put in place a legal framework that constrains them from doing so, I fear that there may be unintended consequences.

Let me draw a parallel that throws light on that. I have been extremely anxious about the way in which serving soldiers—not when there have been clear abuses in military prisons, but in front-line situations where young soldiers take snap decisions—find themselves facing a court case over their conduct. We send young soldiers on to the battlefield with little experience of what they will face, and increasingly we seem ready to use the force of law to challenge difficult and sometimes wrong decisions that they make in the heat of battle.

The same applies equally to politicians. Nobody believes that any politician goes into conflict lightly. Nobody believes that it is not the most difficult decision any political leader can take. We have to leave them the freedom to take that decision. If we wrap them in a legal framework that constrains them from doing what they think right, we may ultimately come to regret it.

The important thing to remember is that the royal prerogative was not used over Iraq. What happened in the run-up to the Iraq war was pretty much exactly the process that the right hon. Member for Birmingham, Ladywood is asking for. We cannot end up jeopardising decision making by putting in place impediments in situations that we cannot anticipate. The example of Srebrenica has been given. The right hon. Lady said that she had not looked into reports on that case, and nor have I. I always fear, however, that laws can have unintended consequences, and I should not want that to happen.

I am concerned about the implications for the morale of our soldiers. What happens if we have a vote in the House on a conflict that is carried by a majority of one? Is that really a clear mandate for our troops? Can they honestly go into battle knowing that they have the full confidence of Parliament?

[Chris Grayling]

Another point was made earlier about information being provided to enemies. Clause 4(6) of the Bill talks about the Prime Minister providing

"such information as he considers it appropriate to make public about . . . the expected geographical extent of that participation . . . the expected duration of that participation".

I appreciate that the right hon. Lady has written in the words

"such information as he considers it appropriate"

but the political pressures will be such that the Prime Minister will be forced to provide perhaps more information than is strategically sensible in an attempt to win consent for the action that he has taken. That causes me concern as well.

I am equally concerned about the provisions that require a vote in both Houses. What would happen if the two Houses did not agree—if the motion was passed in one but not the other? There is an issue about the relationship between the two Houses. I do not want to get into a great debate about whether the other place should be elected, appointed or whatever. The reality is that this place is the democratically elected House. It thus seems illogical to try to achieve balance between both Houses in making a decision, and we need to understand clearly why the right hon. Lady has included that provision before we press ahead with a measure such as this.

I also have anxieties about the publication of legal advice, although not because it is wrong to do so. Looking back at the run-up to the Iraq war, it is clear that the issue of the Attorney-General's advice was of great significance. The leaks of that advice and the information revealed since then have given rise to concern about the decision-making process and how the Prime Minister approached his decision to intervene in Iraq. There is no question about that. However, I do not want us to be in a position where published legal advice leads to court cases about the legitimacy or otherwise of political decisions. In issues such as that, we cannot be governed by our judges; we must be governed by our sovereign Parliament—by the democratically elected representatives of the nation. I have a significant reservation about laying on the table legal justification and legal opinion, using that as a reference point and opening ourselves up to court cases that challenge the sovereignty of Parliament.

Mr. Llwyd: Can the hon. Gentleman explain why his party officially supported a motion in my name and that of other Members calling for publication of the full opinion about a year and a half ago?

Chris Grayling: I am certain that there will be individual cases where it may be sensible to scrutinise legal advice. What concerns me is the writing into statute of the obligation always to publish legal advice in all circumstances. Those are two different things.

Clare Short: I presume that the hon. Gentleman wants us to continue to be bound by international law. If Parliament is to vote on a war, it needs legal advice about the legality of that war. I cannot understand his objection to that. If we want to respect international law it is right that Parliament be given legal advice about the proprieties and legalities of any proposed war.

Chris Grayling: I refer the right hon. Lady to my earlier comments. If we go down the road of wrapping up our national decision makers in a legal framework when they face difficult strategic decisions on behalf of the nation, we risk unintended consequences that will be to the nation's disadvantage.

Tony Lloyd *rose—*

Chris Grayling: I am about to conclude my remarks so that the Leader of the House can speak, so I cannot give way.

The hon. Member for Somerton and Frome asked me about my party's view. We have thought carefully about the matter. I have much sympathy with the aspirations of the right hon. Member for Birmingham, Ladywood, even though I am unhappy about the structure of her Bill. It is my view that the Bill should pass into Committee because the issues that have been raised in the House today merit further discussion and analysis. However, she and the House should not take that as an expression of ultimate support for the Bill. I have misgivings and I have set them out. I do not think that what she has proposed today is necessarily the right solution. However, these are matters of great gravity and my colleagues and I will not oppose the Bill's passage into Committee, even though I shall not give her a guarantee that when it has passed through Committee she will have my support or the support of my colleagues in taking it any further.

1.49 pm

The Leader of the House of Commons (Mr. Geoffrey Hoon): I congratulate my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) on her success in the ballot and readily acknowledge the conviction with which she has moved her Bill today. Her views on these matters are well known. I also recognise the support that the Bill has received from Members on both sides of the House and, equally, the powerful speeches that have been made against it.

I hope to set out certain issues that I anticipate should affect any hon. Member's prospective support for the Bill. I believe that the approach set out in the Bill would risk inhibiting the Government's ability to act swiftly to deploy our armed forces to defend our national security and national interests. I also believe that it has the potential to cause unforeseen and undesirable legal consequences.

The Bill would impose a general requirement for the prior approval of both Houses of Parliament before our armed forces were committed to armed conflict. Armed conflict is defined by reference to the Geneva conventions and their additional protocols. If the Prime Minister proposed that our armed forces should participate in armed conflict, he would be required to lay before each House of Parliament a report setting out the reasons for the proposed participation, the legal authority for that participation, and information on the geographical extent and duration of the participation and on the forces expected to participate. A motion

would then need to be moved in each House approving that report. In the House of Commons, that motion would need to be moved by the Prime Minister.

The Bill recognises that prior approval might not be possible: the general requirement for prior approval is relaxed in cases of urgency. In such cases, retrospective approval would have to be achieved as soon as reasonably practicable and within a maximum of 10 days. Provision is made for the recall of Parliament, where necessary during periods of Adjournment or Prorogation. The procedures in the Bill would in principle not apply in cases where immediate action is needed in defence of members of our armed forces.

If both Houses did not resolve to approve the Prime Minister's report within 10 days of its being laid before Parliament, the continued participation of the armed forces would cease to be lawful after 30 days, unless the Prime Minister judged that continued participation was required as a necessary precursor to withdrawal or had laid a further report within 20 days of the first report that had been approved by further resolutions in each House.

The Government have repeatedly emphasised that we are accountable to Parliament for any armed conflict that British forces engage in. We have given repeated assurances that Parliament will be given an opportunity to debate and scrutinise decisions about the deployment of British forces in armed conflicts overseas. For example, the Prime Minister told the Liaison Committee in January 2003:

"I cannot think of a set of circumstances in which a Government can go to war without the support of Parliament, so I do not think it is real. I think you can get into a great constitutional argument about this, but the reality is that Governments are in the end accountable to Parliament, and they are accountable for any war that they engage in, as they are for anything else."

My distinguished predecessor, the right hon. Robin Cook—whom we all miss in this debate and to whom I paid tribute last week, and who, I fully recognise, might have been speaking in support of the Bill if he were here—stated in January 2003, when he was Leader of the House, that the Government had made it clear that Parliament would be given

"the opportunity to debate decisions about the deployment of British forces in armed conflict overseas."—[*Official Report*, 7 January 2003; Vol. 397, c. 68W.]

The Prime Minister, in a written answer just this summer, confirmed once again that

"The Government recognise the desire for parliamentary scrutiny of decisions to deploy our armed forces, and has shown that it will provide opportunities for debate when this arises."—[*Official Report*, 15 June 2005; Vol. 434, c. 384W.]

In making those commitments, the Government have emphasised that it might not always be possible to hold a debate in advance of a deployment if the effect of doing so would be to give the enemy advance notice of our military activities and endanger our national security and possibly the lives of our troops.

In the case of the military operations in Iraq, as a number of right hon. and hon. Members have observed, it was possible to hold a debate and to vote on a substantive motion in advance of the start of the military operations. There were debates on substantive motions in November 2002 and February 2003, indicating the possibility of military action if Iraq did not comply with resolution 1441. Ultimately, a debate on a substantive motion took place on 18 March 2003, before hostilities commenced two days later. The Prime Minister has made it clear, however, that that cannot be a binding precedent. As he explained to the Liaison Committee in February 2005:

"I think that if you can do that"—

that is, have a prior motion—

"in other words, if the urgency of the situation does not demand otherwise, then I suspect that is what will happen with future conflicts, but I do not think that is setting a constitutional precedent".

As for the form of the consultation, it, too, will depend on all the circumstances. On some occasions, for example, the House has accepted a series of statements—as in the case of Sierra Leone—but any substantial commitment has usually been debated. Sometimes, the debate has been on a substantive motion—as in the case of Iraq, as I have mentioned already. Sometimes, the debate has been on an Adjournment motion—as in the case of Afghanistan in 2001, when such debates were held on 4 and 8 October, either side of the commencement of military operations.

I accept that a substantive motion would allow a clearer expression of opinion and the moving of amendments, but that will not always be appropriate, particularly where the situation is fast-changing. Reference has been made in the debate to the 1940 example, when following military operations in Norway, a Government resigned despite having won the vote on the Adjournment. That must demonstrate to hon. Members how flexible and effective our existing procedures can be.

The Government are also aware of the need to keep Parliament closely informed of developments during the course of a conflict through statements and Adjournment debates as necessary. I do not believe that anyone could challenge this Government's record on that. For example, in the case of the military action in Kosovo, there were eight statements and three debates during the period between the commencement of hostilities on 24 March 1999 and their suspension on 10 June 1999. At the time of the intervention in Sierra Leone, four statements were made within a month. In the case of the conflict in Iraq, between September 2002 and the commencement of hostilities on 20 March 2003 there were four debates and 11 statements. In the period up to the close of major combat operations, there were a further nine oral statements. I hope that the House will accept that coming from me, because I rather think that I made the majority of them.

The Government have also shown that they are willing to recall the House when important issues have arisen during a recess. Since 1997, the House has been recalled six times. Four of those occasions concerned the possible involvement of our armed forces in military action. At least one related to Afghanistan and the most recent, in September 2002, was to consider the situation in Iraq.

The Government therefore strongly believe that the detailed statutory arrangements provided by the Bill are unnecessary. As I have set out, the Government recognise the need for parliamentary scrutiny of such

[Mr. Geoffrey Hoon]

vital matters as the deployment of our armed forces and have shown in practice that they will provide significant opportunities for debate when that arises.

Jeremy Corbyn: I am interested in the Leader of the House's speech. Why does he not say what is really behind his position? He is defending the mediaeval royal prerogative to take this country to war. Many other countries, including the United States, do not have such a power, but have parliamentary scrutiny on going to war. Why should this country not have the same arrangements?

Mr. Hoon: I am grateful to my hon. Friend for raising that point because it is precisely what I am going to deal with next in my speech. If he will allow me, I shall address those points in the next paragraph or so.

Questions of principle underlie the Bill, as my hon. Friend has shown. Several hon. Members, including my right hon. Friend the Member for Birmingham, Ladywood, have referred to the application of the prerogative powers. I can well understand why colleagues look at the retention of any such powers, where they are unnecessary, with considerable suspicion. The Government acknowledged in 2004 that in many respects the prerogative was an "historical anachronism". Labour Members are certainly committed to bringing the way in which the country is governed into line with modern conditions and the needs of the 21st century. We have shown that in many areas, including that of parliamentary reform.

To answer my hon. Friend the Member for Islington, North (Jeremy Corbyn), we should not be diverted by the archaic term "prerogative powers". We are actually talking about Executive powers, which are necessary and exist in any constitutional arrangement. We are today talking about not unnecessary powers or powers possessed by some historical accident, as my hon. Friend implied, but a key power that is possessed by the Executive as a matter of pragmatic necessity if they are to be properly effective. It is thus not without reason that the old prerogative powers—vestiges of the power of the Crown in bygone days—have been retained primarily in the areas of foreign affairs and defence, for it is in those areas that the Executive need most freedom of manoeuvre to defend our national security and interests.

The Prime Minister has said in the House on several occasions that although he considers that it would be unthinkable for a country to go to war against the wishes of Parliament, it would not be right to constrain the prerogatives that exist at present on the basis that there might be circumstances in which action has to take place quickly. In such circumstances, the Government must retain the power to take immediate action if that is what is necessary and the right thing to do.

Richard Burden (Birmingham, Northfield) (Lab): Will my right hon. Friend therefore explain what is wrong with the United States' War Powers Act?

Mr. Hoon: I had intended to deal with my hon. Friend's point in a moment because it was raised during the debate. It has already been stated that the War Powers Act was considered necessary by Congress as a legislative means of providing a check on an Executive that are not part of Congress. That is a fundamentally different arrangement from our parliamentary system. My hon. Friend seems to be pulling a face, but he must think this though. The US President is the Head of Government and the Head of State, and has a range of Executive powers that are not subject to the parliamentary accountability that operates in a system where the Executive are part of the legislature. The people who drafted the American constitution thought that they were basing it on the British constitution, but they made a fundamental error, because they thought that there was a separation of powers in the British parliamentary system—in fact, it was an English parliamentary system at the time—but there was not. A separation of powers is built into the US system, which is why the legislature—Congress—can pass legislation in the form of the War Powers Resolution to authorise military action.

As I said earlier, there are two problems with the relevance of that legislation to the Bill. First, it can be challenged in the American constitutional system as to whether it is effective in any event. Secondly, in any event, the US President has deployed American troops without any legal sanction from Congress and without resort to the legislation. If my hon. Friend the Member for Birmingham, Northfield (Richard Burden) looks at a range of constitutional settlements, some of which have been cited in our debate, he will find that most other constitutions give the Executive power to deploy troops, and do not require the close parliamentary scrutiny proposed in the Bill introduced by my right hon. Friend the Member for Birmingham, Ladywood.

Clare Short *rose in her place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House divided: Ayes 91, Noes 12.

Division No. 64] **[2.1 pm**

AYES

Alexander, Danny	Foster, Mr. Don
Austin, John	Gale, Mr. Roger
Baker, Norman	Gidley, Sandra
Baldry, Tony	Griffith, Nia
Barrett, John	Grogan, Mr. John
Berry, Roger	Harvey, Nick
Brown, rh Mr. Nicholas	Havard, Mr. Dai
Browne, Mr. Jeremy	Heath, Mr. David
Burden, Richard	Hemming, John
Burt, Lorely	Hoey, Kate
Byers, rh Mr. Stephen	Hollobone, Mr. Philip
Cable, Dr. Vincent	Holmes, Paul
Campbell, rh Sir Menzies	Hopkins, Kelvin
Caton, Mr. Martin	Horwood, Martin
Challen, Colin	Hosie, Stewart
Clark, Ms Katy	Howarth, David
Connarty, Michael	Iddon, Dr. Brian
Corbyn, Jeremy	Jackson, Glenda
Cousins, Jim	Jones, Lynne
Davidson, Mr. Ian	Keetch, Mr. Paul
Dobson, rh Frank	Khan, Mr. Sadiq
Drew, Mr. David	Kramer, Susan
Efford, Clive	Law, Peter
Farron, Tim	Lazarowicz, Mark
Featherstone, Lynne	Leech, Mr. John

Lepper, David
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Marshall-Andrews, Mr. Robert
McCafferty, Chris
McDonnell, John
Meacher, rh Mr. Michael
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Osborne, Sandra
Ottaway, Richard
Owen, Albert
Penrose, John
Prentice, Mr. Gordon
Price, Adam
Purchase, Mr. Ken
Reid, Mr. Alan
Rogerson, Mr. Dan
Rowen, Paul
Ruddock, Joan
Russell, Bob
Short, rh Clare
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Sir Robert
Soulsby, Sir Peter
Strang, rh Dr. Gavin
Stringer, Graham
Swinson, Jo
Taylor, Matthew
Taylor, Dr. Richard
Trickett, Jon
Turner, Dr. Desmond
Vis, Dr. Rudi
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Stephen

Tellers for the Ayes:
Paul Flynn and
Mr. Neil Gerrard

NOES

Blackman, Liz
Chapman, Ben
Dismore, Mr. Andrew
Forth, rh Mr. Eric
Heppell, Mr. John
Hoon, rh Mr. Geoffrey
Kennedy, rh Jane
Levitt, Tom
McDonagh, Siobhain
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Watson, Mr. Tom
Wright, David

Tellers for the Noes:
Claire Ward and
Mr. Eric Joyce

Whereupon MR. DEPUTY SPEAKER *declared that the Question was not decided in the affirmative, because it was not supported by the majority prescribed by Standing Order No. 37 (Majority for closure or for proposal of Question).*

Mr. Hoon: Before our interruption, we were discussing Executive powers in constitutions. I know that hon. Members were enthralled by the details that I was setting out and I am delighted to have the opportunity of continuing to explain the various different constitutional arrangements that apply in other countries.

The Netherlands is often cited as an example of where there is a constitutional requirement to insist on parliamentary approval, but the reality in practice—this is a point that I will make in the context of a number of other constitutional settlements—is that there is a treaty obligation to participate, where, for example, there is a commitment on the part of the Government of the Netherlands to support a UN or NATO operation. Certainly, the parliamentary requirement does not fully apply to the deployment of its special forces.

David Wright: This is particularly interesting because clearly the Netherlands has a strong partnership with the Royal Marines, as my right hon. Friend will know from his time as Secretary of State for Defence. Will he expand on how it deploys troops alongside the Royal Marines?

Mr. Hoon: I am grateful to my hon. Friend. It has certainly been my privilege on a number of occasions to witness joint operations between marines from the Netherlands and the Royal Marines from the United Kingdom. The implication of his observation—absolutely right as he is—is that it would be curious if Dutch marines could be deployed pursuant to a NATO commitment or obligation—*[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the right hon. Gentleman. This is a Second Reading debate and there are far too many extraneous discussions. It is no courtesy to the Minister if that is happening.

Mr. Hoon: Both the Netherlands and the United Kingdom have the same treaty obligations for NATO deployments, and it would be strange if, because of the arrangements available under the Netherlands' constitution, its marines could deploy, but because of this Bill, our Royal Marines could not in respect of an operation that clearly required their particular expertise.

To give other illustrations, for many of our key effective allies, including such countries as Australia, Canada, France and Poland, the position is broadly similar to that in this country today: their Parliament or its counterpart has no prior right, enshrined in legislation or constitutional obligation, of authorisation. To some extent, the position of the United Kingdom reflects our position as a founder member of NATO and a member of the UN Security Council. The reality is that there are more situations in which deployment is likely to be appropriate for us than for many other nations. These deployments have made a significant contribution, both to international security and to the vital national interests of the United Kingdom.

Adam Price: At the core of this debate is public trust in the democratic process. What does the right hon. Gentleman believe the public reaction will be to what we have just seen: the Bill being killed off by a back-door parliamentary tactic by the Government?

Mr. Hoon: The hon. Gentleman should be careful about his choice of language. There has been no back-door parliamentary manoeuvring and the simple proposition that there should be a closure was put to the House. Those who move a closure motion under the rules of Parliament, which I am sure that he supports, are required to have 100 votes in favour. That procedure is well established and well known, and it should not surprise anyone who attends business on a Friday morning. It has not necessarily been my practice to attend business on a Friday morning, but I have enjoyed the experience, although I hope that it will not be repeated too often. A closure motion is well known to all experts on the rules of procedure, so the suggestion that parliamentary manoeuvring has taken place is unfortunate given the circumstances.

Mr. Eric Forth (Bromley and Chislehurst) (Con): I am shocked by what the Leader of the House has just said. As he knows, we legislate on 13 Fridays of every year, when we do or do not make law, as the case may be. How can he explain to his constituents or parliamentary colleagues that it is not his duty as Leader of the House to be here when the House legislates on a Friday?

Mr. Hoon: I know that the right hon. Gentleman strongly supports this important proposition—as a

[Mr. Hoon]

member of the Executive and the Government, I recognise that Fridays are devoted to private Members' business. It is obviously important that private Members' business should be debated and discussed in the spirit of the rules, which have operated for very many years. Since he is something of an expert, I am happy to make that observation in his presence.

In the debate, hon. Members referred to the Public Administration Committee report on prerogative powers. The Government gave careful consideration to the report and the appended paper from the Committee's specialist adviser, Professor Rodney Brazier. They noted that the Committee itself was cautious in its recommendation. Indeed, paragraph 50 of the report states:

"The prerogative offers much-needed flexibility to government and is a well-established part of the constitution. Ministers need executive powers. They must be able to do most of the things set out in paragraph 9".

Paragraph 9 lists the deployment and use of the armed forces overseas, including involvement in armed conflict, or the declaration of war. The report continues: "some of those things have to be done quickly in a complex and dangerous world. It would, therefore, be absurd to suggest that the prerogative should be abolished as an historical anachronism and not be replaced. Parliamentary scrutiny of prerogative powers must not unduly hamper the operation of government, and indeed of Parliament itself."

Mr. Dismore: We have already discussed the deployment of special forces. Does my right hon. Friend agree that his last point particularly applies in those circumstances?

Mr. Hoon: The Government and Parliament have always been circumspect about the deployment of special forces. The hon. Member for Hereford (Mr. Keetch) has reminded Parliament on many occasions that he represents many of that fine body of men. Given my experience, I recognise the difficulties that would be involved in apprising Parliament in detail of special forces operations. I am confident that he did not vote in a way that might place those remarkable soldiers in any kind of difficulty.

Jeremy Corbyn: The Leader of the House is making a very interesting point. Will he help us by saying where sending special forces into action in another country is authorised in international law? How can that be legal, if an invasion is not? The UN charter does not make special mention of something called, "special forces".

Mr. Hoon: That is not my point and I do not know whether my hon. Friend has deliberately misunderstood me. I was referring to the deployment of special forces in the context of the Bill introduced by my right hon. Friend the Member for Birmingham, Ladywood (Clare Short). If special forces were deployed as a preliminary to a further, larger deployment, which is often the case, the Bill would require a resolution to be passed within 10 days. Would those 10 days start from the moment when special forces were deployed or from the moment when the main force was deployed? I anticipate that that matter would cause considerable difficulty.

Mr. Keetch: I had an inkling that the Leader of the House would raise this matter, because he was kind enough to mention it to me in the corridor. The Bill relates to the notification of armed conflict, but he has accepted that special forces operations are not matters of armed conflict. He has said that the Prime Minister always comes to this House and he quoted the Prime Minister as saying that he cannot think of a circumstance in which he would not come to the House and report an armed conflict. As has been said, Robin Cook also said that he would always come to the House to discuss armed conflicts. We agree that special forces operations are not armed conflicts as defined by the Geneva convention and that they would not therefore be subject to this Bill.

Mr. Hoon: I always admired the hon. Gentleman's ability to speak on defence matters on behalf of the Liberal Democrats, which struck me as a remarkably difficult task. If he genuinely believes that special forces are not from time to time engaged in armed conflict, I wonder what he does in Hereford. Perhaps he should check that they are not engaged in basket making. I assure him that special forces are engaged in armed conflict on a regular basis, and it is necessary that they should be.

Clare Short: My hon. Friend the Member for Hendon (Mr. Dismore) gave the impression that special forces roam around the world spying and are not deployed as part of armed action. Will the Leader of the House confirm that my hon. Friend the Member for Islington, North (Jeremy Corbyn) is correct that deploying special forces is part of armed conflict? They often go in at an early stage, for example. If they go in as a matter of urgency, it would be possible under the Bill to ascertain the position of the House thereafter. But we do not use them as spies all over the world all the time; that would not be permitted.

Mr. Hoon: I have studiously refrained from referring precisely to what they do or do not do. I have used them as an illustration of the problem that could arise. It could arise in relation to any pre-deployment of our forces—for example, an agreement to give permission to an ally to use a British base. The ally might be engaged in armed conflict, the United Kingdom might not. In those circumstances, at what point does the 10-day time frame begin to run? Such practical issues cannot be addressed by legislation of this kind. However much it is attempted, it is not possible to produce legislation that can define and prescribe all the various circumstances, particularly in the modern world. Perhaps it would have been possible in the days when generals arranged a certain date on which a battle might take place, but that is a very 19th-century approach to the 21st-century problems faced by our armed forces.

Jeremy Corbyn: The Minister is being led into talking about the role of special forces and obviously does not want to get drawn too far into that. If special forces are operating outside a time of war, on what legal basis do they operate in any other country?

Mr. Hoon: I was using the illustration, as have other Members, in the context of this particular Bill, which has sensibly—I give credit to my right hon. Friend its promoter—anticipated one of the main problems that a

Government would face, which is what would happen when it is necessary to deploy troops rapidly in response to an emergency or crisis that develops. It is equally the case, however, that troops are deployed well in advance of any decision for them to engage in fighting. One of the problems with the definition of armed conflict in the Geneva convention is that other countries may already be engaged in armed conflict. What does that mean in terms of the deployment of our troops? In what circumstances would the 10-day time limit start to run? Those are among the practical difficulties.

Several Members have said, "We can sort all this out in Committee." However, my right hon. Friend has put a great deal of effort into drafting the Bill. I assume from its language that she has, quite rightly, had some professional assistance. Various lobby groups have supported her, but despite all their efforts we have a Bill that is flawed from start to finish because it will not satisfy any kind of practical test.

Jeremy Corbyn: Is there any possibility that the Minister will be able to conclude his remarks before 2.30 pm so that the Question can be put and the House can make a decision on what is, as I am sure he would agree, a very important of piece of legislation?

Mr. Hoon: That is an interesting observation. However, I have listened to a great number of speeches in the course of the debate and it is only right that I should go through the very considerable material that I still have available in order to answer all the various points that have been raised.

Martin Horwood (Cheltenham) (LD): As a new Member of this place, I find some of its procedures confusing, but I have found today's bemusing and disgraceful. I cannot believe that the Leader of the House, as a democrat, would refuse us the opportunity to debate in Committee the technicalities that he is discussing by not allowing the Bill to proceed.

Mr. Hoon: I am sure that the hon. Gentleman did not mean to imply that I am not as interested in democratic procedures as he is. Just because he and I might happen to disagree about the Bill—

Jeremy Corbyn: *rose in his place and claimed to move,* That the Question be now put, *but* MR. DEPUTY SPEAKER *withheld his assent, and declined then to put that Question.*

Mr. Hoon: The question of accountability has run through the debate. I accept that it is important that the Government should be accountable to Parliament and it is vital that Parliament regularly has the opportunity of scrutinising decisions about the deployment of British forces in armed conflicts overseas—

Mr. Deputy Speaker: Order.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed Friday 10 March.

Remaining Private Members' Bills

ROAD SAFETY AND PARKING BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 28 October.

PROHIBITION OF ABORTION (ENGLAND AND WALES) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 10 March.

Waterloo International

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

2.30 pm

Susan Kramer (Richmond Park) (LD): I want to make a series of proposals about the future of Waterloo international station. The subject is of major importance to my constituents and the residents of south-west London. To most hon. Members, today may be Trafalgar day, but for our local people, the issue has been described as the second battle of Waterloo. Although I shall argue for a plan that will bring the greatest direct benefits to commuters in the south-west London area, I believe that our proposals make the best sense from a strategic transport perspective. They provide for the best use of platform and track at Waterloo when Eurostar leaves in 2007. The plan is a good transport solution, not parochial special pleading.

Let me first explain what a loss it will be to my constituents when Eurostar moves to St. Pancras. If the Under-Secretary speaks to Eurostar, she will find that many if not most of the regular, core users of the service—the people who go once or twice every week to Paris and Brussels—live in south-west London. If they continue to use Eurostar, their journeys will be half an hour or perhaps an hour longer. For many, the move to St. Pancras marks the end of convenient rail travel to the continent and they will return to the airlines. At a time when we are looking for more rail opportunities, we in south-west London are about to get fewer.

The Under-Secretary will also know that the track that enabled Eurostar to run into Waterloo was used before that for south-west London services. We gave up that track because Eurostar was such an important project and in the expectation that Eurostar would serve Waterloo for the long term. As one constituent said to me, "Now they don't need it, we would like it back, please."

Let us deal with the Arup report, which the Strategic Rail Authority commissioned and which was published last week, on "Alternative Uses for Waterloo International Station". We welcome that report. It lays to rest the suggestion that Waterloo international should be given over to shops rather than trains. It also emphasises that decisions need to be made quickly so that an exceptional opportunity is not missed and assets of great value and quality are not left idle.

As I interpret Arup, several proposed options for use of the station offer few realistic benefits. For example, diverting the diesel service from Paddington to Waterloo makes little sense, as Waterloo cannot accommodate diesel trains and, in any case, that would add some 20 minutes to the journey time. Diverting trains that currently have a Victoria destination to Waterloo would reproduce the same overcrowding that is cited as a problem at Victoria. That will get us nowhere.

Diverting trains from Charing Cross to Waterloo would cut those services off from London Bridge. Passengers with destinations in all the new offices developing to the east, including Canary Wharf, would find themselves arriving at Waterloo, piling into trains at Waterloo East or swamping the Jubilee line, which is already very crowded despite the addition of the seventh car. We would misuse the Jubilee line with that approach.

I recognise that commuters from the south-east require additional rail services. However, they will soon have the benefits from channel tunnel rail link 2, which will free up domestic capacity from Kent. Thameslink 2000 is in the pipeline. It is in the last stages of inquiry. That line meets not only the current but the future needs of the south-east as well as bringing regeneration and new opportunity to London Bridge. Let us not forget also, for the people of east London, the East London line and the docklands light railway extension, which are being progressed by Transport for London.

I accept that there is some scope in the argument that a temporary diversion from Charing Cross to Waterloo could speed up the building of Thameslink 2000, but some assumptions behind those numbers, particularly after having talked to the industry, suggest that the number of trains that would have to be diverted to achieve any serious benefit is quite heroic, considering the available track capacity. As I said before, that would leave us with commuters coming to Waterloo and attempting to reach their destinations with great difficulty—a recipe for chaos. I ask the Government to look at that option very closely before being persuaded by it.

We therefore come to services for south-west London as the obvious and best use of the former Eurostar platforms and access tracks. Using the Eurostar platforms for the Windsor line would be a pretty modest change involving some work on platforms, signalling and the platform entrances and exits. Commuters would at once see a performance benefit, so that South West Trains would no longer regularly have services stopping and waiting outside Waterloo. Nothing makes commuters more furious than being stopped in sight of their destination, hoping that a platform will be freed up.

Clearly, if, in addition to the Windsor line being shifted over, the Nine Elms viaduct was removed—it would no longer be needed by Eurostar—we could achieve a far greater improvement in reliability and have wider platforms, which I would argue is a needed safety measure at rush hour. All Members have to do is go to look at people piling off the trains. There would be real potential for more services.

The Nine Elms viaduct, as the Minister will remember, was put in place to allow Eurostar to cross over into its platforms, but at the cost of taking out a line that previously served South West Trains. The cost of removing the viaduct is estimated to be between £30 million and £80 million. It is a tidy sum, but it is minor in transport investment terms. There would be greater reliability, less overcrowding and potentially more services—very important gains. There would be benefits not only for my constituents, but for virtually every community along that south-west train line.

Beyond all that, there is the potential for a far more ambitious plan to build a flyover completely to upgrade the capacity to bring additional trains from Clapham junction into Waterloo, changing the role of those stations. That would finally accommodate the rapidly

growing demand for rail services from Woking and beyond, but also meet the needs of south-west London commuters.

Transport for London has been very clear about its interest in considering an orbital rail scheme linking key stations in outer London to take pressure off radial routes and to provide a real alternative to the car, but that would require turning Clapham junction into a proper hub for stopping trains. The flyover—bringing additional trains into Waterloo, which I just mentioned—could be the linchpin to allowing that to happen and to creating the potential for proper orbital travel.

We are talking serious money, as the estimated amount is £300 million, but no one is saying that this should be done instantly. All the steps that I have spoken of could be staged, producing an immediate win, but leaving the option for more investment and more gains in the medium and long terms.

As a final option, I must mention Airtrack. This scheme, which would bring passengers by rail from Heathrow's terminal 5 via Staines and Richmond to Waterloo, is an option that the Government and BAA are seriously considering. It offers a way to cut Heathrow traffic congestion and improve air quality. My constituents would greatly value this service and the use of a former Eurostar platform would be ideal. My plans can accommodate that proposal.

We in south-west London have a growing need for more rail services to meet increasing demand with less crowding and less unreliability. In response to a written parliamentary question on 14 October 2005, the Department for Transport provided numbers that again showed South West Trains as the most overcrowded in London in 2003, and as the second most overcrowded in 2004. Industry players tell me that the projected growth in commuting is especially heavy in the south-west and that it will not be less than the predictions in the route utilisation strategy study of a 20 per cent. increase in demand from 2007 to 2017. The same report also warns that capacity for such growth might not be available.

Unusually, in considering the south-west commuter, the demand is exceptionally high in off-peak as well as peak periods. That is very different from the south-east, and again it demands additional service. We know from our own communities that the system is under pressure. In our areas of London, we are also aware that road congestion is worse year on year. Parts of my constituency, in both Richmond and Kingston, are frequently close to gridlock. Without a step change in rail services, we will never be able to unlock the car traffic problem and make the shift from road use to public transport.

A few minutes ago, I listed all the new rail projects completed in or planned for east London. When I ask about similar investment in the core infrastructure in south-west London services, however, I usually get a blank look. After much thought, and having asked questions of a number of people, a member of the rail industry finally volunteered that there had been an upgrade in the power supply and some money for signalling, but no one could come up with anything else since privatisation. That is a long period to go without major investment in core infrastructure. In fact, the biggest thing that has happened to us since privatisation is losing a track to Eurostar, and then losing Eurostar.

The current South West Trains franchise expires in February 2007, and the replacement process is already under way. The Strategic Rail Authority-Department for Transport southern regional planning assessment will be published in spring 2006, when the Network Rail utilisation study for the south-west main line routes will also go to consultation. Time is of the essence. I urge the Minister to recognise the needs of south-west train users. The availability of a facility such as the Eurostar terminal is a once-in-a-lifetime opportunity. I hope that she will acknowledge the strength of our case, give us the decision timetable and move rapidly to formal consultation. My constituents are not being parochial when they come to the Minister and ask for this opportunity to improve rail service and transport in our area; it is desperately needed.

2.41 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): May I congratulate my hon. Friend the Member for Richmond Park (Susan Kramer) on securing this debate, and moreover, on the way that she has put forward the arguments on behalf of her constituents, my constituents and all the people who live in south-west London and the south-west are . She has made a cogent case, as does the Arup report, for ensuring that the five platforms at Waterloo, to be vacated by Eurostar in less than two years' time, should be used by trains from our area.

This is an historic opportunity, which we must seize. I am delighted that Arup and the Minister have rejected the argument that shops and offices could be built on those platforms, and that they will be used for public transport. This is the chance to make the moral and economic argument for more services for our areas. We have been starved of major public transport infrastructure in our areas, not just since privatisation, as my hon. Friend said, but for decades prior to that. Now is the time to put that right. My constituency has 10 train stations, all serving the local population, funnelling into Waterloo. We have no access to the tube network, so the rail service is key to my constituents and absolutely essential.

Our hon. Friend the Member for Twickenham (Dr. Cable), who cannot be here today because he has gone to visit one of his schools celebrating Trafalgar day, wishes to be associated with those remarks, as he is part of our campaign. As he said to me, this is an historic day. On the 200th anniversary of Trafalgar, this is the battle for Waterloo, and we are waging it because we believe that these services are essential.

I share some of my constituents' problems, because I commute on the train from Surbiton station on almost every day that the House sits. We find the congestion just outside Waterloo, to which my hon. Friend the Member for Richmond Park referred, to be one of the most galling experiences of that journey. Sometimes, one can sit outside Waterloo, almost within touching distance of the station, for 10 minutes, which is exceedingly frustrating. This is a kind of solution to that problem. It can deal with the overcrowding, which can still be a major problem. I have often experienced feeling like a sardine in some carriages, despite some good refurbishments by South West Trains in recent months.

When the invitation to tender is made, no doubt in March next year, whoever wins the franchise should be asked to include proposals in their bid as to how not

[Mr. Edward Davey]

only mainline services from far afield but suburban services will utilise the benefits of more platforms. Even if suburban trains do not go into the five platforms vacated by Eurostar, the benefits would be huge. If mainline services were moved, platform use would be much more flexible.

I urge the Minister to make a speedy decision. I know that a number of feasibility studies are necessary in the light of the Arup report, but may we have an early decision in principle—well before the invitations to tender—that the platforms will be used for services from the existing South West Trains franchise area? That is critical and, as my hon. Friend said, there are several ways in which to make it happen over a short period. There is the £10 million investment to bring in the Windsor line; there is the £30 million investment to free up the extra line that the Nine Elms viaduct uses; and there is the more expensive investment required to secure maximum flexibility at Clapham Junction. All that could be done in a staged way to deal with what is a very practical problem. It would provide huge value for money for the taxpayer, and it would mean a huge potential transport gain for the Government. I urge the Government to take that opportunity.

2.46 pm

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): I congratulate the hon. Member for Richmond Park (Susan Kramer) on securing the debate, and thank her for describing her ambitions for the future of Waterloo station and the train service in her area.

As the hon. Lady and the hon. Member for Kingston and Surbiton (Mr. Davey) will know, last week, in response to a question from the hon. Member for Twickenham (Dr. Cable), my right hon. Friend the Secretary of State for Transport announced that the five platforms at Waterloo International would be retained for domestic passenger use after Eurostar moves to the new channel tunnel rail link terminal at St Pancras in 2007. That announcement removed uncertainty about the future use of Waterloo International, especially given press speculation about the development of the site which surfaced during the summer.

We are now focusing on three phases of further work. They involve short-term options for improving performance and capacity on South West Trains by diverting existing services to the international platforms, medium-term flexibility to use the platforms as a diversionary destination for trains that would otherwise be disrupted by Thameslink works, and potential longer-term step change improvements that would require significant additional investment.

We need to do more work. Improving the use of Waterloo is often not as straightforward as it might seem, and most of the complexities concern infrastructure constraints further down the line. What may seem a perfectly sensible proposal at the Waterloo end, such as running longer trains into the longer platforms, needs to be considered in the context of the rest of the infrastructure along the route. We need to consider, for instance, whether the platforms at stations along the line of route are long enough for the purpose.

I should make clear that we have not turned our back on redevelopment of the station, and do not wish to do so. Property projects could bring significant benefits, and help contribute to the meeting of costs. We are, however, determined that train use should come first. We are not waiting for any development scheme before beginning to use the terminal, and any property proposals would have to conform to rail needs rather than vice versa.

The Department for Transport is now beginning to examine the options, and the initial analysis should be completed by spring next year. That will allow the conclusions to be fed into the franchise specification and tender documents for the South West Trains franchise, which is due to go out to competition next spring.

Mr. Davey: Will there be time for the Department's conclusions to be debated before they are fed into the bid specification, so that there can be some accountability for them?

Ms Buck: I am afraid that I cannot give any further details of the timing, as it is not specifically within my brief. I shall, however, ensure that my fellow Under-Secretary, my hon. Friend the Member for Halton (Derek Twigg), gives the hon. Gentleman the information.

The report sets out in detail a number of issues that need to be addressed before Waterloo can be used for domestic services. It is also clear from the report that platform availability at Waterloo is not the only constraint on capacity, and as a result a number of other schemes may be required for full use of the available capacity.

Hon. Members will be aware that Eurostar services actually join the route into Waterloo relatively close to Waterloo station in the vicinity of Vauxhall, using the Stewarts lane viaduct. Constraints on capacity exist further out from Waterloo and thus the availability of platforms at Waterloo, although easing the problems at the station, does not totally solve all problems for passengers entering London on South West Trains services.

Some improvements are deliverable in the short term while others may be deliverable over a longer time scale once affordability and value for money have been determined. Given the time scales to which we are working, we are focusing on what benefits can be gained for passengers in the short term, so that the platforms do not lie idle for a substantial period after Eurostar's move to St. Pancras, although it is inevitable that some delay will occur, as conversion works are required.

For a number of reasons, the international station as currently configured cannot be used for domestic services, and works will be required to alter the station layout for domestic passengers. That may at first sight seem rather strange, but it must be remembered that the international station was designed for low-frequency, long-distance services with passenger flows being generally in only one direction at a time and with long train dwell times on the platforms. Commuter services, on the other hand, are typified by relatively high-frequency, quick-turnaround services, with a number of competing passenger flows. As a result, work will be required to allow the international platforms to function

properly as a domestic station, and a number of small infrastructure schemes are likely to be required to allow domestic services to use the platforms.

In the short term, the provision of additional platforms at Waterloo can be used to improve performance further since the number of platforms available for services will increase. As I have said, the next stage of work will assess which train services can be moved into the available platforms to improve performance most. South West Trains is obviously the candidate most likely to use the platforms, but given the track layout at Waterloo it is likely that Windsor line services—those to Reading, Putney, Hounslow and Richmond, which will be of specific interest to the hon. Member for Richmond Park—would be strong candidates for use of the platforms. However, performance and platforming analysis will be carried out to judge whether that is the correct assumption.

We will assess whether any additional peak-period services can be added to take up the capacity available. That will need to be carefully considered, and we shall have to ensure that any additional services that could be provided can be afforded, can provide value for money for the taxpayer and are not detrimental to overall performance.

Once we have determined the short-term options, we will further assess the longer-term requirements for the route as a whole. We shall look at whether the station can be used to mitigate the impact of other rail projects during their implementation phases. For example, the additional platforms might be of use as a temporary terminus for some services that will be impacted during the construction phase of Thameslink.

In the longer term, a number of options exist, which need to be examined in greater detail and that would lead to fuller utilisation of the platforms. All those options require some significant infrastructure enhancements and are likely to be costly. Waterloo main line services, such as longer-distance services to Southampton, Portsmouth, Weymouth and so on, could be shifted to the international platforms and lengthened to, for example, 15 cars. However, that would require significant infrastructure enhancements in the Clapham area, such as a flyover, to move the service group to the south side of the route approaching Waterloo. That would be a costly exercise and would require removal of the Stewarts lane flyover, which links the south-eastern lines approaching Victoria to the Waterloo route, and the reinstatement of tracks approaching Waterloo. Again, such options will need to be examined in further analysis.

Other infrastructure changes further from Waterloo, such as platform lengthening, would also be required. The report notes that such works could cost £300 million but I stress that that is only an estimate. I quote it so that hon. Members become aware of the scale of investment that might be required fully to utilise the platforms.

As I have noted, further work is currently under way to assess further and costly elements that are under consideration. In the short term, we are focusing on schemes that can be implemented quickly. The work will identify a programme to convert the station from international to domestic use as quickly as possible so that benefits can swiftly be passed on to the passenger.

By later next year, drawing on that and other pieces of work such as the south-west main line route utilisation strategy, the southern regional planning assessment, which covers that corridor, Transport for London's route corridor plan and the agreed south-west franchise, we shall be able to develop a longer term strategy for the route to utilise fully the platforms at Waterloo. It will be important to ensure that any schemes highlighted are judged against considerations of affordability and value for money.

To conclude, the decision by the Government to retain Waterloo International for domestic passenger services allows for the longer term development of the railway into Waterloo and removes one of the constraints limiting that possible development in future years. Other barriers remain to be tackled, and I hope that Members will note that it is not as simple as just running more trains into the vacated platforms. The work we are pursuing at present will provide benefits for passengers in the short term and scope for growth in the longer term. It thus recognises the importance of Waterloo in London's transport network as a hub for future development.

Mr. Davey: I am grateful to the Minister for her comments and I am sure that they will be of some reassurance to my constituents and those of my hon. Friend the Member for Richmond Park (Susan Kramer). Can the Minister tell us whether the implication of what she has said is that she supports the general notion that train services from south-west London and the wider south-west area are the favoured option for the use of those platforms both in the short term and possibly in the longer term as the investments are staged?

Ms Buck: I hope that I was able to reassure the hon. Gentleman that there are several layers of use for the platforms, serving the longer routes to Waterloo and the suburban routes that serve the constituencies of the hon. Gentleman and the hon. Member for Richmond Park. We also need to ensure that we have the capacity to use Waterloo for back-up—for the redirection of trains as other major infrastructure projects, such as Crossrail, are undertaken. There are many potential benefits for London commuters, including those in the constituencies of both hon. Members. We have to judge those benefits against the investment available to us to ensure that value for money considerations are applied at all stages.

Susan Kramer: Can the Minister give a tiny clarification? If I understand her correctly, the non-South West Trains schemes are possible diversion schemes to deal with a temporary issue, due to infrastructure projects elsewhere, but the long-term future of those platforms is within the South West Trains remit.

Ms Buck: That is certainly my understanding and I assure the hon. Lady that if I am in any way misinterpreting the information it will be corrected.

Question put and agreed to.

Adjourned accordingly at two minutes to Three o'clock.

Westminster Hall

Tuesday 11 October 2005

[SIR NICHOLAS WINTERTON *in the Chair*]

UK Relations With Iran

Motion made, and Question proposed, That the sitting be now adjourned.—*[Gillian Merron.]*

Sir Nicholas Winterton (in the Chair): I hope that all hon. Members had a restful and peaceful recess, and that you have all come back duly reinvigorated for the constructive debate that will take place in this House in the coming weeks.

9.30 am

Mr. David Amess (Southend, West) (Con): I am grateful for the opportunity to initiate the debate. Before I get into my speech, I must declare the fact that my hon. Friend the Member for Northampton, South (Mr. Binley) and I visited New York in September, where we jointly addressed a rally of 20,000 people outside the United Nations building in support of the National Council of Resistance of Iran, and that the visit was paid for entirely by that organisation.

I intended to speak for 20 minutes, but I am now slightly worried about doing so because of the large number of colleagues who seek to speak in the debate. I shall do my best to speak quickly.

The Iranian regime's lethal cocktail of barbaric oppression at home, export of Islamic fundamentalism, sponsorship of terrorism, widespread interference in the internal affairs of Iraq and unwavering pursuit of nuclear weapons is a real and present threat to the Iranian and Iraqi peoples and to peace and stability in the middle east and the wider world.

As Members will know, for years our Government and those of our European partners favoured rapprochement with Tehran, and told us that their policy toward Iran, which was described as "constructive engagement" or "critical dialogue", would strengthen those elements in the Iranian regime whom our Government described as moderates or reformers. Regrettably, events have proved them wrong on both counts: not even the mullahs now describe any element of their regime as moderate, and our Government's policy has resulted only in allowing the most radical elements to cement control over every lever of power in Iran.

In the Iranian regime's recent presidential elections, the Guardian Council, a watchdog vetting body of 12 unelected clerics and jurists, approved only eight candidates out of 1,019 to stand for election, including two clerics, four former Islamic Revolutionary Guards Corps commanders, a former Minister and a former low-ranking official. Of course, no women or opposition candidates were allowed to stand, as the Guardian Council vetted all prospective candidates to ensure their full allegiance to the supreme leader.

By any standard, the presidential election was neither free nor fair. After the first and second rounds of the elections, even the losing candidates, including the cleric Mehdi Karoubi, a former Speaker in Parliament, and Rafsanjani, the former President of Iran and a pillar of the Iranian regime for the past 25 years, alleged that they had lost due to widespread vote-rigging in favour of the ultimate winner, Ahmadinejad. I apologise to the Chamber for my mispronunciation of those names, which does not come to me easily. Further, most independent observers, and Iran's main opposition, the National Council of Resistance of Iran, claimed that the election had been widely boycotted by the Iranian people, who sought fundamental change.

However, despite all its shortcomings, the recent presidential election was very important. By propelling Ahmadinejad to victory, the supreme leader completed his absolute control over the executive, judiciary and legislature. The plan began a few years earlier with the elections of the municipal council for Tehran, which left hard-liners in control. It then moved on to the parliamentary elections in February last year, in which the hard-liners, including 70 Revolutionary Guards commanders, secured an overwhelming majority. Ahmadinejad's election was the final step. I believe that that strategic decision marks a new era in Iran's political landscape. Ahmadinejad's ascension undercut the view in the west that the so-called moderates in Iran were gaining strength; it lifted the veil of moderation, and showed the ruling theocracy's true colours.

So who is this new President? In an article in *The Scotsman*, Mrs. Maryam Rajavi—a wonderful lady—who is president-elect of the National Council of Resistance of Iran, described Ahmadinejad as a

"hostage taker, murderer and terrorist."

Ahmadinejad was a ringleader of the takeover of the United States embassy in Tehran just after the 1979 revolution. He is accused of plotting to murder Salman Rushdie, of interrogating, torturing and executing Iranian dissidents during his time with the Islamic Revolutionary Guards' internal security brigade, and of terrorist assassinations around the world when he was a key figure in the formation of the Islamic Revolutionary Guards' Jerusalem force. Moreover, in early July, Reuters reported that Austrian prosecutors were investigating whether Ahmadinejad was involved in the 1989 assassination of the Iranian Kurdish leader in Vienna.

Soon after his election, Ahmadinejad appointed a Cabinet filled with hard-liners, composed, on the whole, of former Revolutionary Guards commanders and/or individuals who formerly worked in Iran's Ministry of Intelligence and Security. The Cabinet is truly the "Who's Who" of terrorism. Iran's new Foreign Minister was forced to leave Turkey because of his role in kidnappings and assassinations of Iranian dissidents and secular Turkish intellectuals. Iran's Defence Minister is directly linked to the suicide bombing of the United States Marines' barracks in Beirut in 1983, which killed 241 United States Marines.

What should be of most concern to the international community is that, as a consequence of Ahmadinejad's presidency and the appointment of his Cabinet, the Islamic Revolutionary Guards Corps has emerged as the main pillar of the Iranian regime. The Revolutionary Guards Corps is one of the most repressive pieces of apparatus of the Iranian regime, and it was the main organ involved in the arrest, torture and execution of tens of thousands of the regime's political opponents.

[Mr. David Amess]

Since Ahmadinejad's election, the Revolutionary Guards Corps has stepped up its internal repression. Human rights abuses in Iran continue to increase drastically. Summary arrests, tortures, public lashings and hangings, and stoning to death remain everyday occurrences in Iran. It is reported that, in the past few months alone, more than 70 Iranians have been executed in public, a large number of whom were young or minors. Women and religious minorities, including the Jewish, Christian and Baha'i communities, have also borne the brunt of that repression.

At the same time, the Revolutionary Guards' Jerusalem force, which is responsible for extraterritorial activities, has been much involved in Lebanon with Hezbollah and been very active in Iraq over the past three years, and is now in direct control of Iran's nuclear weapons programme. Ahmadinejad's presidency, therefore, has already had major internal and foreign policy implications. After he became President, the French news agency reported him—what a cheek this is—as declaring:

"Thanks to the blood of the martyrs, a new Islamic revolution has arisen and the Islamic revolution of 1384 will, God willing, cut off the roots of injustice in the world."

He added:

"The wave of the Islamic revolution will soon reach the entire world."

God help us all.

Iran's nuclear programme is a prime example of such implications and is one of the most pressing issues for the international community. The Iranian regime's claims that its nuclear projects are for civilian purposes are absolute nonsense.

Bob Spink (Castle Point) (Con): I congratulate my hon. Friend on securing the debate. I do not know whether he is aware of this, but I visited Iraq a few weeks ago, and senior politicians there are deeply concerned about Iran's wish to stop democracy and stability developing in Iraq and particularly in Kurdistan, where excellent progress has been made since the war. Senior Iraqi politicians told me that they believe sincerely that Iran's nuclear programme is continuing and most certainly with a military objective.

Mr. Amess: I pay tribute to my hon. Friend for walking the walk on this issue. I read about his visit in our local newspaper and I thank him for underlining the fact that without doubt Iran has the capability to deploy nuclear weapons and that that is the real target, not Iraq.

Until August 2002, when the National Council of Resistance of Iran revealed the Iranian regime's secret uranium-enrichment site in Natanz, the regime was vehemently denying involvement in such projects. The NCRI also revealed a heavy water plant at Arak that is used to produce plutonium. The international community owes the People's Mojahedin Organisation of Iran an immense debt of gratitude. One can only imagine with horror when the international community might have learned of the Iranian regime's nuclear weapons programme—which my hon. Friend just mentioned—without the revelations made by that organisation in 2002 and since.

There can be no doubt that the Iranian regime is pursuing a nuclear programme for military purposes, as it considers nuclear weapons to be a guarantee of its survival and a tool that, when at its disposal, will give it leverage to hold the world to ransom. The experience of the past two years has shown that Iran has played a devastating role in the members of the European Union being taken for absolute fools. Iran breached agreements with the EU3 in November 2003 and again in November 2004. It did so most recently with the breaking of United Nations seals and the resumption of work at its nuclear facility in Isfahan.

Dr. Julian Lewis (New Forest, East) (Con): Is there not a greater danger than a nuclear Iran, which might be deterred from taking action in its own name, in that it could supply nuclear weapons, once it acquired them, to other forces—to non-state actors that would have no hesitation about using them for terrorist purposes?

Mr. Amess: My hon. Friend is right and I agree with him, but that will not diminish the point I will make in my peroration that in respect of the conflict with Iraq, we got the wrong target.

Iran's then top nuclear negotiator told a leading Iranian newspaper that Tehran had benefited greatly from the talks with the EU3 in advancing its nuclear programme:

"In the past 21 months, the Islamic Republic has achieved brilliant results in technical, legal, political, propaganda and national security spheres. Today, we have started up, tested the facility in Isfahan at the industrial level, and produced several tons of UF6. Today, there are a significant number of manufactured centrifuges ready for use. It may seem on the surface that we have accepted the suspension. But in reality, we have used the time to alleviate many of our shortcomings. We continued building centrifuges until the Paris Accord. After June, we doubled our efforts to make up for the suspension. We have not suspended work in Isfahan, even for a second. Arak has not been suspended at any time."

That is further evidence of exactly what Iran is up to. For that reason, although I welcome the resolution passed by the International Atomic Energy Agency on 24 September requiring Iran to be reported to the Security Council over a failure to convince the agency that its nuclear programme was entirely peaceful, I feel that that step was taken two years later than it ought to have been. Without question, Ahmadinejad's defiant tone and vigorous defence of Iran's nuclear weapons programme in his address to the United Nations General Assembly made it amply clear that Tehran was determined to continue its breach of international demands to suspend its nuclear activity.

Hon. Members need not panic. I have been speaking for 15 minutes, but I shall dump half of my speech and I hope that allowing a couple of interventions helps.

In a thinly veiled threat, Ahmadinejad told the General Assembly that

"we will reconsider our entire approach to the nuclear issue"

if Iran is not left to its own devices to move forward with its nuclear programme. Ahmadinejad's diatribe was not as surprising as the push by some countries for more time to be given to Tehran to rethink its hard-line position. After almost two years of futile talks with Tehran, that suggestion, far from being naive, is utterly reckless. Time is what the free world does not have and

what the clerical regime seeks. The ball is now in Tehran's courtyard. Iran should be under no illusion: it cannot proceed with its game of cat and mouse with the international community. The world is becoming impatient.

The prospect of an Islamic fundamentalist Iranian regime possessing nuclear weapons is made even more terrifying by its undoubted sponsorship and involvement in terrorism. Even as recently as April this year, the Iranian regime was recognised by the United States annual report on terrorism as

"the most active state sponsoring terrorism."

Our Prime Minister told the House of Commons Liaison Committee in February that the Iranian regime

"certainly does sponsor terrorism, there is no doubt about that at all".

That is why I cannot understand why our Foreign Secretary has graced that country on three or four occasions. I would have thought that that was merely giving credibility to a thoroughly discredited regime.

Mark Pritchard (The Wrekin) (Con): Does my hon. Friend agree that it is about time that the Government made plain their intention in principle and in practice to make clearer the announcements on a replacement for Trident, given the threats from places such as Iran?

Mr. Amess: My hon. Friend is on to a clever point. I know that the Minister is listening carefully to the debate and I am sure that we will give him enough time to reply. By the time that he comes to reply he may wish to comment on my hon. Friend's point.

Over the past 25 years, the Iranian regime has been responsible for more than 450 terrorist attacks throughout the world. Terrorism is also closely linked to the Iranian regime's efforts to spread its brand of Islamic fundamentalism to the rest of the middle east and the wider world. As Ahmadinejad stated after his election victory, he hoped that a wave of Islamic revolution would soon reach the whole world. The clerical rulers use the powers, resources and facilities of a state to achieve their regional and global expansionist ambitions, regardless of differences among fundamentalist groups so long as the Iranian regime remains in power. Tehran continues to act as the heartland of the extremist Islamic fundamentalist movement around the world.

I urge the Government to take immediate steps to deal with the PMOI and remove all restrictions on its activities. By taking such steps, apart from supporting the Iranian people in their quest for freedom and democracy, our Government will be acting in their own interest by defeating the scourge of Islamic fundamentalism and the terrorism emanating from it. At the same time, the Government should abandon their policy of engagement vis-à-vis the Iranian regime. Instead, they should adopt a firm policy towards the mullahs, beginning with an active involvement in referring the Iranian regime's nuclear file to the United Nations Security Council without delay. In that way, they can show that they stand with the Iranian people in their struggle for freedom and democracy, and not with the mullahs who oppress them.

I have never pretended to be a foreign affairs or defence expert—I leave such subjects to my colleagues, who know far more about them than I do. Like many other hon. Members, however, I voted for the engagement in Iraq for what I believed were the right reasons. I now regret that decision. As we now know, there were no weapons of mass destruction, and Iraq did not have the capability to deploy nuclear weapons. Even someone such as me, who does not pretend to be a foreign affairs or defence expert, can see, therefore, that we got the wrong target.

However, now that we understand that we should be dealing with Iran rather than Iraq, the last thing that we want is for the United States of America and Britain to interfere again and make a mess of the situation, with no idea of how to leave the country and no prospect of doing so. I simply hope that once the Minister has had time to reflect on the matter, he will encourage the Foreign Secretary to be not quite as supportive of the Iranian regime as he seems to be, because I, like colleagues in all parts of the House, want peaceful regime change.

Sir Nicholas Winterton (in the Chair): Before I call the next speaker, I should point out that, as the hon. Member for Southend, West (Mr. Amess) said, this is clearly a popular debate and many Members wish to speak. I therefore hope that brevity, self-discipline and courtesy will be the hallmarks of the debate.

9.51 am

Chris Bryant (Rhondda) (Lab): Thank you, Sir Nicholas. I note that you always say that just before I start to speak.

I congratulate the hon. Member for Southend, West (Mr. Amess) on securing the debate, not least because it is of significant interest to many people in the Commons and across the nation. I shall restrict myself, however, to a narrow issue of concern.

On 19 July, two young men were publicly executed in Edalat square in Mashad in north-east Iran. We do not know their full names—as far as we have been able to ascertain, nobody has been able to work them out—but they are known as MA and AM. One was 18 when he was killed; the other was 17. Before their execution, both were held in prison for 14 months, and it is likely that they suffered considerable torture during that time. As we know from the court judgment, they received 228 lashes between them—in most cases, anything beyond 20 lashes leads to somebody collapsing. Their ages at the time that they were arrested, let alone the time of the alleged incident, would have been 16, 17 or perhaps younger.

Allegations of rape and theft were made in the court. Although we cannot be entirely sure, it is almost certain that those allegations were untrue. If they had been true, the person who was raped would, under sharia law, also have received a penalty of lashing. It is pretty unlikely, therefore, that the allegations were true.

Many Members might have seen the photographs of the execution, which was filmed by Iranian television. It is distressing to see the boys crying on the back of a lorry on their way to the execution on the gallows in the square. We see the hangmen in their balaclavas checking four times that the nooses are tight before driving away.

[Chris Bryant]

The rudimentary scaffolding is just like that we see outside any building where work is being done. Clearly, it has been thrown up in just half an hour—it is pretty easy to execute people. It all seems a long way from our experience of life in this country, but such things are a fairly regular occurrence in Iran.

The most distressing moment is when the lorry simply drives away; there were two lads with their feet on the back of the lorry and suddenly there is no support and they are dead. What is most striking is that the word Edalat means justice. Few people in this country or around the world would consider what happened to be a form of justice.

I raise this matter for two reasons: first, because it is about the treatment of minors. The convention on the rights of the child and the international covenant on civil and political rights prohibit the death penalty for anyone under the age of 18. I presumed that Iran would not have ratified those conventions, but it has; it subscribes to them and maintains that it does so, yet, in 2004, four juvenile offenders were executed. Thirty juvenile offenders are currently on death row in Iran. They include Milad Bakhtiari, who is 17 years old, Hussein Haghi, aged 16, Hussein Taranj, 17, Farshad Saeedi, 17, and Saeed Khorrami, 16, who were all considerably younger when the alleged incidents occurred.

Only five countries—Iran, China, the Congo, Pakistan and, of course, the United States of America—have used the death penalty for juveniles since 2000. Interestingly, the Supreme Court in the United States declared in March that using the death penalty for minors is unconstitutional.

I may not be able to carry the House in saying that I do not believe in the death penalty for anything, but I think that I do carry the House in saying that the death penalty for minors under the age of 18 is wholly reprehensible, does not meet with our understanding of justice and must be immoral and wrong.

The second reason is the treatment of homosexuals in Iran. I draw the Chamber's attention to the case of Amir, from Shiraz—a name more familiar to most of us when used in relation to wine. Amir is a 22-year-old who is now in Turkey seeking asylum. His experience of his homosexuality—the words that he uses—is no different from that of many young homosexuals in this country. He said:

"I have known I was gay since I was about five or six; I always preferred to play with girls. I had my first sexual experience with a man when I was 13 but nobody in my family knew I was gay."

Many homosexuals in this country would say exactly the same.

Amir was first arrested two years ago at a party; nothing was happening at that party, he just happened to be there with other homosexuals. At the time, he was fined 100,000 tomens, which is about $120—a considerable sum in Iran today. Since then he has been pursued by Colonel Safaniya who runs Shiraz's Office for the Promotion of Virtue and the Prohibition of Vice. He was arrested a second time a year ago when he was caught in a campaign of gay entrapment by the paramilitary group the Basiji, which works unofficially under the hard-line Pasdaran or Revolutionary Guards. With your permission, Sir Nicholas, I shall read from his account of what happened when he was arrested. He said:

"There was a metal chair in the middle of the room. They put a gas flame under the chair and made me sit on it as the metal seat got hotter and hotter. They threatened to send me to an army barracks where all the soldiers were going to rape me. There was a soft drink bottle sitting on a table. Ali Panahi told one of the other *basiji* to take the bottle and shove it up my ass, screaming, 'This will teach you not to want any more cock!' I was so afraid of sitting in that metal chair as it got hotter and hotter that I confessed. Then they brought out my file and told me that I was a 'famous faggot' in Shiraz. They beat me up so badly that I passed out and was thrown, unconscious, into a holding cell. When I came to, I saw there were several dozen other gay guys in the cell with me."

Following that, he received 100 lashes. He says that subsequent to the events in Mashad earlier this year to which I referred the situation has considerably worsened. He continued:

"After the Mashad incident, visits from the authorities would become an almost daily occurrence. They would come to my house and threaten me. They knew everything about everything I did, about everywhere I went. They would tell me exactly what I had done each and every time I had left the house. It had gotten to the point where I was starting to suspect my own friends of spying on me . . . In one of these arrests the Colonel told me that if they catch me again I would be put to death 'just like the boys in Mashad'. He said it just like that, very simply, very explicitly. He didn't mince his words. We all know that the boys who were hanged in Mashad were gay—the rape charges against them were trumped up, just like the charges of theft . . . When you get arrested, you are forced by beatings, torture, and threats to confess to crimes you didn't commit. It happens all the time, it happened to friends of mine."

Why do I raise this issue? What has it got to do with us in the United Kingdom? For a start,

"Any man's death diminishes me",

as John Donne said many centuries ago. Also, we still send gay Iranians back to Iran and refuse to grant them asylum. In June 2004, Hussein Nasseri, a 26-year-old Iranian, killed himself in his car in Eastbourne. He shot himself between the eyes with a shotgun on being told that he had been refused asylum. I do not believe that this country should be sending gays back to torture, fear, oppression and—potentially—hanging or stoning.

Secondly, nobody has yet raised Iran's human rights record at the United Nations, despite the fact that in 2001, 12 gay men aged between 14 and 57 were stoned in Iran. In 2000, 16 were killed; in 1999, 10 were killed, and it still goes on. I do not share the views of the hon. Member for Southend, West on our policy of engagement: on the whole I believe that that policy has been particularly astute. The Foreign Secretary has been one of the most able in trying to maintain a strong relationship with Iran, which might tease them into a better understanding of the world. However, we must engage in discussions on human rights, if necessary in strong terms. Otherwise, young people in Iran will continue to be killed. Young women will continue to be executed and young men will continue to live in terror. Engagement with Iran cannot mean ignoring human rights abuses.

10.2 am

Mr. Brian Binley (Northampton, South) (Con): As you requested, Sir Nicholas, I shall reduce my speech by half. I hope that that will please you for future occasions.

I pay tribute to Chris Bryant, the hon. Member for Rhondda. I found his words most disturbing and moving. I had not known of those sorts of activities. He does a great favour to the world in bringing them to our attention in this debate and I thank him.

You will know, Sir Nicholas, from my colleague, Mr. David Amess—

Sir Nicholas Winterton (in the Chair): Order. Would Members please remember that we refer to people by their constituency, not their name?

Mr. Binley: I am very sorry and thank you for that guidance, Sir Nicholas.

My hon. Friend the Member for Southend, West (Mr. Amess), who went with me to New York and wowed a crowd of 20,000 people with his speech, astounded me on that occasion and has done so again. I was lucky to accompany him and I spent four days with the organisers of that rally and with many of their supporters. I got to know them pretty well. I learned at first hand of the devastation created by the Islamic fundamentalist mullahs over the past 25 years in Iran. I learned that Iran was by any measure of decency and freedom an uncivilised and brutal regime. How does that impact on this country? If it impacts on us in a serious way, how do we deal with it?

Only last week the Foreign Office officially confirmed that Iran's Revolutionary Guards Corps was behind the deadly attacks that recently claimed the lives of eight British soldiers. The regime does impact on us. Also last week a member of the British diplomatic service said that the Iranians were colluding with the Sunni Muslim insurgent groups in southern Iraq and were providing them with the deadly terrorist technology perfected by Iranian-funded Hezbollah militia in southern Lebanon. This does impact on us.

Only five weeks ago, Dr. Pierre Goldschmidt, a Belgian nuclear scientist and former head of the United Nations team investigating Iran's nuclear programme, called on the Security Council to give that inspection team greater powers to determine whether Iran was trying to build an atomic bomb. He said:

"It is reaching the point where it is beyond critical. As things stand, we cannot prove that Iran has a military programme, but we do have indications that this is the case . . . This is the question that everyone should be asking."

If Iran is in the process of building an atomic bomb, that clearly has an impact on every one of us and on every one of our constituents.

I visited Israel a week after I visited New York, and I was privileged to meet some of the most senior figures in its Government, Opposition and intelligence service. I questioned them intently about their understanding of the Iranian atomic threat. Their answers were both unequivocal and deeply disturbing. First, they maintained that there is no doubt that Iran is developing nuclear weapons. Secondly, they believed that the pace of development has quickened in recent months. Thirdly, they estimated that the Iranians are within two years of being able to produce a nuclear weapon. Finally, and equally disturbingly, they also maintained that the Shihab 5 delivery vehicle will be ready and capable, within the next two years, of delivering its weapons to the heart of Europe and Russia, to say little of Israel.

Dr. Julian Lewis: Is my hon. Friend aware of a recent report that some EU ambassadors felt it necessary to withdraw from a parade that they were attending in Iran when they saw the slogans that were displayed, one of which read:

"Israel will be wiped from the face of the earth"?

Mr. Binley: I thank my hon. Friend for bringing that to my attention. I did not know of that particular incident, but it is in keeping with many of the slogans being paraded throughout Iran, and we should take note of the intent behind them.

Let me return to the point that I was making; Israel considered the Iranian situation to be the doomsday scenario.

What do the American intelligence people think about Iran's intentions? Only last week, an American intelligence officer said:

"This is not like the pre-war debate about whether Iraq was working on weapons of mass destruction. Iran has a nuclear weapons programme. There are no doubts."

Finally, the National Council of Resistance of Iran—the organisation that first alerted the world to Iran's nuclear programme in 2002—has produced an in-depth report into Iran's nuclear weapons programme, which leaves us in no doubt. I assume that the Government have a copy—I assume that the Minister, certainly, has a copy—because it is required reading for any Foreign Office Minister. If the Minister does not have a copy, I would be happy to ensure that he has one, because this is a frightening document that should disturb us all.

The situation is clear: here is a state, organised along the lines of a mediaeval theocracy, which will soon be capable of delivering a nuclear weapon with a range of 5,000 km. Here is a society that makes heroes of suicide bombers. Could a more serious problem be facing us now, and could there be a greater threat to the security and well-being of all the people whom we represent?

What can we do about the problem? We could continue with our current policy of appeasement, which the EU and Britain have pursued for several years without any discernible success. I do not believe that that is the way to go now, because it is apparent that the mullahs have taken little notice of that policy; to my mind, it has become totally discredited. I shall therefore ask the Minister several questions.

In the light of recent events, will he confirm that our whole approach to the Iranian situation is being reviewed and revised? Does he recognise that our attitude to those who seek an internal regime change in Iran must also change, not least to ensure that a new and more robust message is sent to the present Iranian regime? Is it not time to recognise the right of the Iranian people to resist the present regime, and to do all that they can to bring about democratic change in that country? Is it not time to remove the PMOI from the US State Department's list of debarred organisations and from the European Union's list? Is it not time to call on the Security Council to give greater power to the UN's investigation team to determine whether the Iranians are trying to build an atomic bomb, as I, and many other

[Mr. Binley]

people, believe they are, and as the document proves? Is it not time to impose a full technical embargo on the regime to attempt to halt its progress in that regard?

As the Israelis said, the present situation has the potential to produce a doomsday scenario. The Minister has the potential to do something about it and his response will tell the British people whether he and the Government are capable of facing the challenge. I believe that they are.

10.10 am

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): I congratulate the hon. Member for Southend, West (Mr. Amess) on securing the debate, because its subject is crucial and the timing is opportune. However, I totally dissociate myself from the commendation that he and his hon. Friend the Member for Northampton, South (Mr. Binley) gave to the National Council of Resistance of Iran—an organisation that almost totally lacks credibility. It is a sect, not a political party, and has virtually no support in Iran. It is a diversion from the real issues, and I do not want to give it any more attention in my remarks.

Iran is an important regional player in a highly unstable region. As everyone knows, relations between the US and Iran are particularly fraught. I join my hon. Friend the Member for Rhondda (Chris Bryant) in strongly commending the role that the UK Government have played, together with our partners in the European Union, in trying to reach a negotiated resolution of the nuclear issue; we need to continue in that role.

The nuclear issue is important, not only in relation to Iran but in the context of controlling nuclear proliferation in general and in asserting the role of the International Atomic Energy Agency in overseeing international agreement on, and carrying through, the framework for dealing with nuclear proliferation. However, I fear that we are at a tipping point, from which we could easily slide into the sort of confrontation that Conservative Members appear to seek, instead of achieving a resolution.

The UK and the EU have a key role in helping to find a negotiated solution to the nuclear issue, but we need to remind ourselves of our history in relation to the region, because people in the region know the history and tend to see the current action of the UK, France and the US through the historical prism of our past behaviour in the region.

In the early years of the 20th century, Britain and the Russians agreed to divide Iran into spheres of influence. In 1919 Iran had a trade agreement with Great Britain in which, although Britain formally reaffirmed Iran's independence, it attempted to establish a complete protectorate over it. I imagine that everyone is aware that Iran's Prime Minister, Mohammed Mossadeq—he was elected to the Iranian Parliament in 1923 and again in 1944 and became Prime Minister in 1951—was removed from power in 1953 in a complex plot orchestrated by the British and US intelligence agencies. The present Government do not need to apologise for our past behaviour; however, we need to be aware of it, as the Iranians have historical reasons for not regarding all that we and the US do as being totally above board or without some ulterior motive. That is why we should be careful.

Mark Pritchard: Will the hon. Lady give way?

Dr. Starkey: No; there is very little time, and the alternative point of view has had enormous coverage.

We need to be careful in how we engage with Iran. That is not to say that we should not criticise Iran for a variety of reasons, but I shall deal with that in a moment. Nevertheless, we need to be aware of how what we and the US say is perceived not only by the Iranian Government but by the public at large.

The hon. Members for Southend, West and for Northampton, South, whose speeches seem to have been based on what the NCRI has told them, should understand that Iran is a deeply devout Muslim country. It is also socially very conservative. The Iranian Government may well be responsible for policies that many of us would find abhorrent, but regrettably those policies are often quite popular with large slabs of the Iranian population. We need to understand that, and not do as the NCRI does and pretend that if we can get rid of a few mullahs everything will be sweetness and light—far from it.

We need to be careful. The UK Government should be clear, consistent and transparent, and engage in dialogue not only with the Iranian Government but directly with the Iranian public.

Mark Pritchard: On that point, will the hon. Lady give way?

Dr. Starkey: No, I am not going to give way.

I know that others want to speak, so I shall touch only briefly on three other matters: the nuclear issue, human rights and the recent attacks in southern Iraq.

We should remember that Iran's nuclear programme started under the Shah's regime. It is an Iranian issue, and it can easily be presented as an Iranian nationalist issue. Another difficulty is the asymmetry of the non-proliferation treaty—an asymmetry with which I agree—which gives those with nuclear weapons different obligations to states without such weapons. That can be seen as the west saying, "It is all right for us to have nuclear weapons, because we are responsible and will not do dreadful things with them, but it is not okay for other countries to have them."

We also have to deal with the fact that we are not consistent across the piece. Everyone in the region knows that Israel already has a nuclear capability. It is rather like the elephant in the corner: no one speaks of it. There is a deliberate diplomatic ambiguity about Israel's nuclear potential, but the other countries in the region know about it and feel that it is not consistent for us to focus only on their potential for nuclear weapons and ignore the fact that one country already has such a potential—a country that has in the past not been averse to attacking others. We need to take those factors into account.

The Government have been pursuing the right line on the nuclear question, and we need to persist, but we must be clear and consistent in putting pressure on Iran to

comply with the IAEA. We must also be extremely careful not to use language that allows our stance to be projected as yet another example of the US and the UK's attempting to control Iran or impose their will on the country. We should recognise Iran's right to have access to a civil nuclear programme, but like everyone else Iran must comply with the IAEA.

As for public diplomacy, we should tell the Iranian people directly that countries such as Belgium that rely heavily on nuclear energy have to import all their fuel, as we are asking the Iranians to do. Enriching the fuel themselves would be economically inviable for the Belgians, as it would be for the Iranians. If we can get those ideas across, we should persist in our line on nuclear power.

My hon. Friend the Member for Rhondda has highlighted a specific aspect of Iran's poor record on human rights, and many hon. Members can cite other issues in that regard. We need to be clear and firm in our stance on human rights. In that respect, members of the European Union have greater credibility than the United States, because unlike the United States we are opposed to the death penalty—full stop. We need to be consistent and credible, and to back credible human rights campaigners in Iran such as the Nobel peace prize winner Shirin Ebadi.

Also in respect of human rights and democracy, we should have been more assertive in pointing out the way in which the Guardian Council ruled out a great many people who should have been able to stand in the elections, thus giving the electorate a very poor range of candidates from which to choose. We also need to assert that the human rights of all ethnic and religious groups in Iran should be protected.

We should ensure that Iran's human rights commission deals with the complaints that are brought to it. However, we must avoid at all costs the lunatic strategy that a variety of neo-Conservatives in the United States appear to be parading: to suggest that one way to bring down the regime in Iran is to stir up conflict between all the ethnic groups there, in order to achieve fragmentation. That appears to be giving an immense puff to a number of rather spurious groups in the United States that claim to represent different ethnic groups in Iran.

Finally, if the British Government have clear information about Iranian involvement in the bombings in southern Iraq, it needs to be brought forward. Otherwise, we must be careful to stick to what we know: the explosive devices used were similar to those used by Hezbollah in Lebanon, suggesting that they might have been of Iranian provenance, and that the Revolutionary Guards might have been involved in smuggling them. We should pursue that with the Iranian Government.

It is obvious to everybody who knows about Iran that there are a great many groupings within its power structure, some of them tolerated by the Government, and some operating off their own bats. We need to stick to the facts, and not to indulge in hyperbole which will only further alienate members of the Iranian Government rather than holding them to account and making sure that they move in the direction in which we would wish them to move.

Sir Nicholas Winterton (in the Chair): I would like the Front Benchers to start summing up just after half-past 10, and I hope that Opposition spokesmen will be as brief as possible so that the Minister may respond fully to this important debate. We have seven minutes for two prior contributions.

10.23 am

Lembit Öpik (Montgomeryshire) (LD): I am chair of the all-party friends of the Baha'i group. I am not a Baha'i, but I have never come across a more peace-loving and gentle religion. I rise to ask the Minister to assure us that the Government's connections with the Iranian Government will be used to try to secure the interests of the persecuted Baha'i community.

For 17 years, the United Nations Commission on Human Rights has passed resolutions on human rights in Iran, often referring specifically to the plight of the Baha'i. In addition, the commission's special rapporteur on freedom of religion or belief reported in March 2005 on several aspects of the persecution of the Baha'i, including destruction of sites of historic significance, access of Baha'i youth to education, and blood money legislation as it relates to the Baha'i and other minorities, and in February 2003 the working group on arbitrary detention reported severe human rights violations in respect of Baha'i. The list goes on. There is no question but that the Baha'i are persecuted in Iran. Will the Minister provide us with an assurance that he will use this Government's connections to ask the difficult questions that must be raised with the Iranian Government in order to understand why those activities take place?

The different international mechanisms have all found various evidence of the continuing persecution of the Baha'i in Iran. By necessity of mandate, each report can provide only a comparatively limited analysis of the human rights situation in Iran, and of a specific situation such as that of the Baha'i. That highlights the need for the restitution of a UN special representative to Iran, who would be mandated to provide an in-depth report about each aspect of the human rights situation in Iran, including that of the Baha'i.

I am an optimist; I still feel that there is a case for attempting some form of dialogue with the Iranian authorities. The hon. Member for Mid-Worcestershire (Peter Luff) and I have had useful conversations with representatives at the Iranian embassy about this matter in the past. I recognise that some people are more sceptical about the case and about having more dialogue, but it would be remiss of us not to turn every stone in seeking the solution to the persecution that the Baha'i and other groups feel.

I should like to make an offer to the officials who represent Iran in this country. I and other representatives of the all-party friends of the Baha'i group seek a non-confrontational dialogue to understand how the Iranians see their treatment of the Baha'i community, and to explore whether there is something we can do to persuade the Iranians to see the Baha'i in another way.

I ask the British Government to provide an assurance that they will use their contacts and dialogue with the Iranian authorities to apply pressure to ensure that the Baha'i and other religious sects, who represent no threat whatever to Iran's integrity, are afforded the opportunity to live freely and without persecution.

[Lembit Öpik]

Although there may be a case for dialogue, there is no alternative to action. I hope for and seek any dialogue that the Government can generate with the Iranians, and any dialogue that the Iranians can provide for me and other representatives of the all-party group.

Sir Nicholas Winterton (in the Chair): I am grateful to the hon. Gentleman for his brevity.

10.27 am

Ian Stewart (Eccles) (Lab): I congratulate the hon. Member for Southend, West (Mr. Amess) on securing this important and timely debate.

I rise as vice-chairman of the all-party friends of the Baha'i group, which the hon. Member for Montgomeryshire (Lembit Öpik) chairs. We have heard recently of many instances of human rights abuse, and particularly of those against the Baha'i in Iran. Up to 1998 there had been 200-odd Baha'i deaths, many at the behest of the Iranian Government. That activity has waned since 1998; however, the persecution of and violence against the Baha'i continues. Since 1998, seven Baha'i have been on death row, which caused an international outcry. Members in both Houses of this Parliament spoke out in defence of those Baha'i, and none were executed. That shows that the views of this House and of other bodies can impact on countries such as Iran.

I hope that the Minister continues the pressure on the issue of human rights for the Baha'i. I am with the group that supports the Government's strategy of engagement through dialogue with Iran, but I hope that the Iranian Government have ears to hear, because we in that group are finding it more and more difficult to sustain that strategy. I shall argue strongly with others that it should be sustained, but I hope that our Government will put continued pressure on the Iranian Government, and that the Iranian Government will act accordingly.

10.29 am

Mr. Nick Clegg (Sheffield, Hallam) (LD): I, too, congratulate the hon. Member for Southend, West (Mr. Amess) on securing this debate. It is particularly timely given the events of the past few weeks and during the summer recess, which underpin the volatility of relations between the United Kingdom and Iran.

Everything that has been said during this debate has reinforced the difficulty of being optimistic about the state and prospects of UK-Iranian relations. The nascent move towards political reform in Iran seems to have been displaced by the election of a President on an explicitly populist and nationalist ticket who once famously said that Iran

"did not have a revolution in order to have a democracy."

As we heard in eloquent testimony from the hon. Member for Rhondda (Chris Bryant) and others, human rights abuses continue unchecked. Iranian influence in Iraq seems to be growing day by day, as does the threat of escalating nuclear proliferation in Iran and, therefore, the region as a whole. What can we do about that? There seem to be two options. The first, which I have always endorsed, is the European Union approach of critical, firm engagement. The other is a harder threat of military action.

The reality is that both options are becoming increasingly implausible and incredible. That is the dilemma facing us. The policy of engagement has not led to the benefits that those of us who supported it thought it would. The EU3 dialogue on the nuclear issue is heading into the cul-de-sac of the UN Security Council; the EU-Iranian trade and co-operation agreement was still-born; and the undesirable alternative of deploying some military threat is logistically impossible given the military quagmire in Iraq and, as the Foreign Secretary recently informed us on the "Today" programme, is inconceivable. That suggests that the Iranian Government can sit pretty because they believe that there is no meaningful leverage on what they do. We are bereft of the instruments to effect change in Iran, because the leverage that we would like to exercise does not exist.

Two issues loom over that and make the absence of leverage all the more acute. The first is the military quagmire in Iraq. Regardless of all the reasons why the invasion of Iraq was misguided and unlawful, one striking effect appears to have been to allow Iran to exercise influence in a part of the world for which there has been a long-standing Persian ambition. Western foreign policy used to be built on the premise of preventing Iran from doing precisely what it is now doing: mobilising the Shi'a majority in Iraq to exercise Iranian influence. It is extraordinary that one of the after-shocks and after-effects of the UK-US invasion of Iraq has been precisely to grant Iran that influence which had previously been denied to it.

Secondly, Iran seems to be proceeding with an explicit policy of re-orientation towards what is loosely called the east. The way in which the Iranian Government are actively pursuing links with China and Russia is an important factor that has not yet been mentioned. It is an easy relationship to establish. The Chinese and Russians have every incentive to exploit US and UK discomfort by tacitly aiding Iran in return for much-needed oil and gas reserves. As the Russian-Chinese-Iranian relationship deepens, our meagre leverage over Iran continues to weaken. One flows from the other.

I have two questions for the Minister. First, the policy of engagement is only credible if it is wedded to a threat of sanction should the policy not be reciprocated by the Iranian Government. However, if a referral to the UN Security Council were to take place, Chinese and Russian resistance makes it most unlikely that UN sanctions would be agreed to. Will the British Government, either on their own or through the European Union, take steps to impose UK or EU sanctions in the absence of a multilateral route when and if the policy of engagement has been fully frustrated?

Secondly, what steps are the Government taking to persuade Russia and China in order to avert a crisis in relations between Iran, the EU and the US? I suspect that the route to a lasting solution to the fraught and volatile nature of our current relations with Iran passes through Moscow and Beijing as much as it does through London, Washington, Tehran or Brussels.

10.35 am

Mr. Keith Simpson (Mid-Norfolk) (Con): This has been an excellent debate, and I am sorry that certain colleagues were unable to speak. I congratulate my hon. Friend the Member for Southend, West (Mr. Amess) on speaking with such emotion—putting the case for the prosecution, as it were. Five other colleagues also spoke on the subject. In the few minutes available to me I shall follow the hon. Member for Sheffield, Hallam (Mr. Clegg) in homing in on the core issue of what is to be done. That is the crucial matter.

The Government's policy towards Iran, as many hon. Members have said, is one of constructive but critical engagement. The touchstone areas in our relationship—putting aside the important matter of trade where the deficit is largely on our side—are human rights, which have been well aired, Iran's development of a nuclear programme, and its support for terrorist groups throughout the middle east—specifically, however much we dress it up, in Iraq. We have debated whether the Government are right to pursue their policy of constructive engagement, but events of the past six months have rather sadly proved that it is now insufficient. By all criteria, including the evidence produced by colleagues today and by others, it seems that the influence of the British, the Europeans and others on the Iranian Government is pretty limited. The Foreign Office's own report on human rights has said:

> "There has been no significant progress in Iran since our last Annual Report".

That has been graphically demonstrated today. Will the Minister tell us whether we have managed to have any influence on the human rights aspect since that report?

The Government have worked incredibly hard within the EU3 to try, through a combination of pressure, influence and threat, to persuade the Iranians not to go ahead with the development of their nuclear programme, but sadly that has failed. The hon. Member for Milton Keynes, South-West (Dr. Starkey) is quite right: for the current Iranian President and groups in Iran it is a national objective to acquire nuclear weapons. The process of persuasion has failed, so what is the alternative? The Foreign Secretary has said that it is incredible that military action would be taken against Iran. It might be incredible, but I can imagine at least one regional power carrying out what many would regard as incredible if it thought that its existence as a nation was at stake.

Two other specific irritants in our relationship with Iran put pressure on the policy of constructive but critical engagement. First, we have forgotten that over a year ago the Iranians seized three Royal Navy patrol boats and arrested eight Navy personnel—an illegal act on any criteria. The personnel have been returned but the patrol boats have not. Is there any hope of those patrol boats being returned as a result of constructive engagement?

Secondly, there is the question of the immediate impact. We know the complexities: the Iranian regime might well decide to put pressure on the British Government because of our attempts to put pressure on them in relation to the nuclear programme. The question has been raised of whether the Iranians are providing military logistics, munitions and a safe haven for militia groups in south and north Iraq to carry out attacks against the Iraqi security forces and the coalition forces. The hon. Member for Milton Keynes, South-West raised that point and perhaps fairly tried to say that the case was not yet proven. Any fair-minded person might draw a conclusion from statements ranging from that made by the unknown Foreign Office representative, who more than a week ago seemed to state pretty categorically that the evidence existed, to the Prime Minister's, who massaged that slightly, to that of the Secretary of State for Defence yesterday, who basically said that there was such evidence but that we were probably talking about the Iranian Revolutionary Guards. Perhaps we need clarification from the Minister. Today is the perfect opportunity to put the question to bed once and for all.

This has been an important debate. The Government's policy of attempting constructive engagement was motivated by a desire for the best possible outcome, but the historian within me tells me that we have been round this buoy before in the 1920s and 1930s with the Soviet regime, and then with Nazi Germany and fascist Italy. We also went round it in the 1960s and 1970s with China. The problem is that if a regime is not prepared to go through any form of constructive dialogue, and indeed regards it as a form of weakness, what, as the hon. Member for Sheffield, Hallam said, is the alternative? The alternative might well be that a regional power decides to do the inconceivable and take military action. The Government are now in a position where they must reconsider their current policy of constructive engagement. It has not failed completely, but it has come to the end of its usefulness for policy making as far as Iran is concerned.

Sir Nicholas Winterton (in the Chair): I am grateful to the two Opposition spokesmen for their brevity in winding up. I call the Minister to reply.

10.42 am

The Minister for the Middle East (Dr. Kim Howells): I congratulate the hon. Member for Southend, West (Mr. Amess) on securing the debate. I know that he is passionate about the subject, and he gave an eloquent performance. We share many of the concerns and fears that he and many other hon. Members expressed, and I will try to deal with them one by one.

The debate has been remarkably constructive. We heard eloquent and passionate pleas about issues that affect us all, such as the dangers of nuclear proliferation, on which we heard from the hon. Member for Sheffield, Hallam (Mr. Clegg) and others. My hon. Friend the Member for Rhondda (Chris Bryant) described the barbarity of practices that should have no part in any country in the 21st century. I hope that that message and his eloquence reach beyond this Room. They have certainly had an impact on the Government.

Everything that we heard this morning highlights the great contradiction that Iran represents. It is a very important country. It is big and has a young population. It has the potential to be a great player on the world scene. It grieves me all the more, therefore, that because of the actions of its regime, our discussions about Iran are almost always couched in negative terms. We want

[Dr. Kim Howells]

Iran to be a great country. It has a wonderfully rich history, as everybody who goes to the British Museum can see for themselves. It has enormous potential. It has natural resources that we would all like to have. However, as we heard this morning, some pretty terrible things are occurring, and there are great dangers for the whole world.

We have much on which to co-operate with Iran. One part of my job is counter-narcotics. Some 95 per cent. of the heroin coming into this country and Europe comes from Afghanistan, and most of it finds passage through Iran. The Iranians have lost a lot of soldiers and policemen on the eastern borders trying to prevent heroin and opium from coming in, and Iran has at least 2 million opium addicts of its own. I do not want to lose the contacts that we have with the Iranians. It is very important that we co-operate with them, and I want everyone to know that. On the eastern border we are helping to teach them how to handle customs and working with them to tighten the border. They have a very difficult task, but if they fail, we shall all suffer. The children on our streets will suffer as a consequence of more heroin coming in. We ought to remember that.

As hon. Members have pointed out, it is not enough simply to point to the constructive elements of our relationship. We must take seriously the matters raised today. Let me start with Iran's nuclear programme, about which I feel very strongly. Iran's actions in the past and present do not inspire confidence that its programme is, as it claims, solely for peaceful purposes. Anyone who, before the Iranian presidential elections in the summer, saw former President Rafsanjani tell the entire world, in his interview with Gavin Esler, that Iran had told lies and conducted deceptions, and that it was, of course, interested in arming itself, should learn the lesson that we must take what Iran says on that very serious issue with a sackful of salt. Along with France and Germany, and with the support of Javier Solana, we have pursued a policy of constructive engagement, as the hon. Member for Mid-Norfolk (Mr. Simpson), who speaks for the Conservatives, termed it. We felt that that was the proper way forward.

It is all the more hurtful, in a way, that Iran chooses to snub our approach when we have kept the country, for at least the last two years, from having to face an immediate referral to the United Nations Security Council. It is foolish for Iran to do that. The Iranians—somebody referred to them earlier as the Persians, as they are indeed known in the area—are very skilled diplomats. That skill is acknowledged across the world. For them to do that is extremely worrying and a backward step. The help and good will that existed to try to get them to understand what the world feels about their nuclear programme is a lesson that seems to have been lost on them.

I agree entirely with what has been said in this Chamber. There is absolutely no explanation for Iran's programme of nuclear conversion and nuclear enrichment, other than that they are building a nuclear bomb. Iran does not have a working reactor. The Russians are constructing one at present—at least, they were. We are not quite sure whether the work is going ahead, but we know that very worrying things are happening in Iran. Reinforced tunnels are being built, which look as if they could be designed to store nuclear technology or nuclear production facilities. Since they have no nuclear reactor, there would be absolutely no need for them to conduct that enrichment exercise. The Russians have already told the Iranians that they can supply enough nuclear fuel, specially designed for that reactor, to last over the coming decades, even if Iran expanded its nuclear reactor programme. Remember, it does not have a nuclear reactor that works at present.

So what do we do? That is the big question. The widely respected International Atomic Energy Agency is the only multilateral organisation that looks at such matters, and, indeed, it was awarded the Nobel peace prize last week. The agency has tried hard to persuade the Iranians that there is a better way forward than the one that they have chosen. The Iranians for a while abided by what the IAEA suggested—we were the conduit for those ideas—but have now rejected those suggestions. The board of the IAEA has by majority vote now decided to refer Iran to the United Nations Security Council.

What worries me is this, and it is a big worry: I had the privilege on behalf of the European Union and, of course, of this country to chair our meeting at the UN with the non-aligned members, where we discussed the nuclear issue, among other matters. I heard from those who spoke on behalf of the non-aligned nations a version of the past two and a half or three years that was pure fantasy. My hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) in a way put her finger on the point when she said that a feeling exists of, "Why should Iran not have a bomb?" I am not sure that people around the world understand the centrality of the issue to the future of world peace. It is no good saying that things might have been different if we didn't start from here, if the second world war hadn't taken place, if America hadn't developed the bomb, or if Russia hadn't developed the bomb. That is, of course, nonsense.

I would apply the same conditions to Israel as to Iran. We continually ask Israel to abide by the nuclear non-proliferation treaty. We always have done, and we shall continue to do so. We do not attempt to hide that at all. To argue that the number of countries that can own and can use a nuclear bomb should be extended seems to me to be a criminal analysis of a situation that is already serious enough. We must be very clear. The greatest thing that we can do is to be completely transparent and honest in dialogue at the United Nations and elsewhere about this very important issue. We know that delivery systems are available that countries such as North Korea, among others, are selling and that can lob a nuclear weapon a very long way. I have even heard reports that Europe would be within the range of some nuclear weapons.

The hon. Member for The Wrekin (Mark Pritchard) asked whether we would replace Trident. I laughed at the very idea that I would say such a thing in this Room. If Iran did develop a nuclear weapon, however, it would throw the whole issue of how we get rid of our nuclear stocks—how we demilitarise—back into the melting pot. The issue poses enormous challenges to everyone.

Andrew Mackinlay (Thurrock) (Lab): I hope you will forgive me, Sir Nicholas, for intervening on the Minister but I did not get a bite of the cherry earlier. I do not want

to complain about that, other than to ask whether you could use your good offices to provide some clarity on whether there is any point in writing in to request to speak. I wrote in July to the Speaker's Office to indicate that I would like to catch your eye during this debate. I realise that letters do not necessarily mean that one gets to speak, but on my most recent visit to Westminster Hall, the Clerk, acting on the Deputy Speaker's instructions, rushed down to say that I had not written in.

Will the Minister speak, or give us the brief that he no doubt has in that big bundle, about the people at Camp Ashraf? The Secretary of State for Defence refreshingly admitted yesterday that he did not have the foggiest idea about the position on that matter, but he did mutter something to the Minister. We need some clarity on the Government's view, and reassurance that the people at Camp Ashraf continue to have protected person status.

Sir Nicholas Winterton (in the Chair): Order. Before the Minister replies, I am glad that I used my discretion in allowing that intervention. I am pleased to be able to tell the hon. Gentleman that I have not been advised—I normally am—that any hon. Member had written in requesting to speak. I assure him that the matter will be raised. I trust him exactly on what he said about writing in July and hope that the Minister will get around to replying to his important intervention.

Dr. Howells: I did mutter a few words of advice to the Defence Secretary yesterday. I have asked about the matter and, as far as I know, Camp Ashraf is guarded by Iraqi and American forces, and the safety of the camp has been guaranteed. I believe that the Defence Secretary said that yesterday.

Dr. Lewis: Before the Minister returns to his main speech, will he tell us why the Foreign Secretary is so certain that there is no prospect of military action when the Prime Minister, in the run-up to the war in Iraq, gave as a casus belli the possibility of the Iraqi regime producing nuclear material that could be given to terrorists? There is a contradiction there.

Dr. Howells: I have not got round to many of the issues that have been raised in the debate. However, we do not believe that the Iranians will be able to produce nuclear devices of any description for some time to come. I hope that the hon. Gentleman will bear with me when I say that the world of diplomacy requires one to choose language very carefully. My right hon. Friend the Foreign Secretary said that he could not envisage any circumstances in which there would be some sort of armed response to the problem of nuclear proliferation. I hope that the hon. Gentleman will understand what I am saying.

My hon. Friend the Member for Rhondda highlighted one group but could have highlighted many. He described a savage act that did nothing to enhance Iran's reputation worldwide, and I hope that news of his eloquence will get back to that country. He could have talked about Christians, Jews and many others who have been persecuted inside Iran. We should be concerned about such persecution, which certainly sends out messages to the rest of the world that do nothing to enhance our cause of constructive engagement.

I note the example of the inspirational investigative journalist, human rights defender and now political prisoner, Akbar Ganji, who remains in jail, where he has been for most of the past five years. Such people believe that Iran should be speaking to the rest of the world about a range of issues, not least a subject that I hope to cover in this last minute.

My hon. Friend the Member for Milton Keynes, South-West and other Members asked about the involvement of Iran in southern Iraq. I was in Iraq recently, and there is no question but that there has been at least Revolutionary Guard involvement there. It has been suggested over the past week that some of the bomb-making technology may well have come from Hezbollah. I have no doubt about that. The technology and the way that it is being used bear all the marks of Hezbollah.

If Iran thinks that it can somehow stymie the efforts of the people of Iraq to create a democracy, it should think again. The world is watching and wants Iran to play a role that is constructive, not destructive.

We have something very special to think about because we have lost eight soldiers as a consequence of bombs. We should never put the enemy on a pedestal, and I am certain that our forces in the south of Iraq will overcome that bomb-making technology, as they have done in many similar campaigns. The enemy may initiate a new technology, but our soldiers will find a way of overcoming it.

Sir Nicholas Winterton (in the Chair): I congratulate all Members on their contributions to an important debate.

Durham and Tees Valley (European Funding)

11 am

Mr. Iain Wright (Hartlepool) (Lab): It is a privilege to have secured an Adjournment debate so early in the new Session and on an issue with such potentially enormous consequences for the future of the north-east—particularly the Tees valley and County Durham—and other regions in the United Kingdom.

Let me warn you in advance, Sir Nicholas, that my speech will not take the form of a wildly rhetorical and passionate argument about Britain's position in the European Union, about EU expansion or even about Britain's future financial contribution to the EU budget. The topics about which I am concerned are somewhat dry and technical, and I am delighted to say that, as a chartered accountant, I shall be able to mention some accounting rules, although I am not sure that others will share my enthusiasm for them. Nevertheless, when there is the prospect of my constituency and other constituencies in Durham and Tees valley receiving £600 million, I can be as dry as the desert.

I shall focus on the technical calculations, which might have an adverse effect on the ability of Durham and Tees valley to secure substantial sums of European money. However, it would be useful briefly to set out the north-east's economic performance in recent decades and the contribution that European funding has made towards narrowing the gap between the north-east and the rest of the UK.

In the 1980s, the north-east, including Tees valley and County Durham, suffered immensely as a result of the decline in its former industrial base in coal mining, shipbuilding, steel and manufacturing. That led to mass structural unemployment in that decade, with 110,000 jobs lost in manufacturing between 1981 and 1997 and significant rises in worklessness and reliance on benefits. That in turn means that the region now needs more than ever to continue to embrace change in the regional labour market and to introduce new industries.

From the late 1990s onwards, however, there have been indications that Durham, Tees valley and the wider north-east are changing. The gross value added growth rate in the north-east has been converging with that of the UK as a whole, particularly since 1998. There is more employment, with 200,000 extra jobs being created in the region in the past seven years, and the prospect of full employment for the first time in decades.

Mr. Kevan Jones (North Durham) (Lab): Does my hon. Friend agree that some structural unemployment is generational? The money that Europe is providing is therefore having to address generational structural unemployment, which, in other areas, has been tackled in different ways.

Mr. Wright: I absolutely agree. There are second and third-generation people in our constituencies and others who were completely reliant on benefits, and European funding has been vital in breaking that cycle and ensuring that prosperity and employment return to the north-east.

Unemployment has fallen much more dramatically in the north-east than in other regions. It has fallen by 26 per cent. since just 2001, although we must recognise that the region had higher jobless figures to start with. There are more business start-ups and there is growing business confidence. Companies such as Tees Valley Regeneration are undertaking ambitious regeneration ventures on former brownfield sites such as Victoria harbour in my constituency and Middlehaven in Middlesbrough.

The most significant reason for that economic upturn has been the policies advanced by my right hon. Friend the Chancellor since 1997. Of similar importance, however, has been the assistance provided by European funding in tackling the structural problems faced by Durham and Tees valley. In 2000–06, the north-east was allocated £434 million from the objective 2 programme, which helps regions to adjust to economic and social change, and £194 million from the objective 3 programme that aims to tackle unemployment and low skills and to encourage entrepreneurialism.

I am sure that all hon. Members could give examples of the benefits that European funding has brought to their constituencies. In my constituency, two valuable projects have helped us to address the structural weaknesses in the labour market and the wider economy. Hartlepool Working Solutions was given £250,000 from European social fund money. Its aim is to provide the long-term unemployed in the most deprived areas of the town with training and employment advice, and it has helped almost 1,200 people, of whom 500 have found employment and 670 have gone on to achieve further qualifications and training.

One targeted communities package project was the introduction of information and communications technology centres. With over £800,000 of European regional development fund money, it provided 18 new community facilities, of which 15 have state-of-the-art ICT centres and crèche facilities. Training in computing can now be given in the most deprived areas of Hartlepool.

European funding has had a major impact on Hartlepool. It has helped to increase significantly the skills level of the townspeople and thus to reduce unemployment. Without it, more people would be on the dole. Much progress has been made, but more needs to be done if we are to eradicate completely the structural problems in Tees valley and Durham. That is why continued and expanding European funding is vital.

If I may, Sir Nicholas, I will say a few words on behalf of my hon. Friend the Member for Stockton, South (Ms Taylor), who cannot be here because she is at an Intelligence and Security Committee meeting. She asked me to say that one of the main beneficiaries of European funding in Stockton is Queen's campus of Durham university, which contributes £3 million to the local Tees valley economy. My hon. Friend said:

"European funding has done wonderful things for Stockton South, helping to regenerate the economy and bring back much-needed jobs".

The Minister for Industry and the Regions (Alun Michael): My hon. Friend rightly illustrates the benefits of European funding, but will he take into account the fact that three quarters of public spending on regional development comes from UK domestic sources, and that, under any scenario, that proportion is set to

increase in the near future? That is bound to happen as a result of the enlargement of the EU with the accession of the 10 poorer member states. Following his point about the importance of investment in his area, I emphasise that such work will increasingly be funded domestically.

Mr. Wright: I fully agree with and accept what my right hon. Friend says. All money that is made available to the north-east, particularly to County Durham and Tees valley, is welcome. There has been massive investment in the north-east since 1997. The theme of my speech is that there seems to be a technical and inconsistent argument about the allocation of future European funding that could mean that we in the region will miss out on £600 million. I want to highlight that point, and to make sure that Ministers are aware of the inconsistency and will try to rectify it.

There are grounds for optimism in helping to address those structural issues, but long-standing problems remain: educational attainment still lags behind the national average, and employment in Durham, Tees valley and the wider north-east remains biased towards low-skilled and low-paid work. That is the consequence of long-standing reliance on an economy built on heavy manufacturing, which has largely ended. We have seen the social and economic difficulties experienced by a society and a work force that are adapting to the 21st century requirement for high skills and greater and faster competition after losing one kind of employment. Although there has been growth, the north-east was the slowest growing region in the UK in the past decade. To avoid falling further behind, the region needs to grow at least 25 per cent. faster, and even faster if we are to narrow the gap with the rest of the UK.

I hope that I have shown that Durham and the Tees valley have suffered from structural changes over the past 30 years, although there have been significant improvements recently. We now stand at a fork in the road, and the direction that is taken in the next few months might shape the nature of the sub-regional economy for decades. We can accentuate the positive by building on the improvements of the past few years and ensuring that structural changes to the economy and the shape of the labour market help us to continue to narrow the prosperity gap between us and the rest of the UK, or we can highlight the negatives, thereby losing any progress made in increasing skills and helping to ensure and to accelerate population migration, especially among the young and the economically active.

Highlighting the negatives would leave the area with few prospects and high levels of deprivation and dependency on benefits. Future European funding is therefore vital to the north-east in general and to the Durham and Tees valley economy in particular as it will enable us to tackle the next phase of structural change and ensure that the economy has the necessary strengths and skills to compete in the modern global economy.

The new European funding programme is due to start in January 2007, and I understand that it will have three strands—the so-called three Cs. The first is convergence—targeting poorer regions of the EU with the aim of reducing the gap between their economic performance and that of the rest of the EU. The second is competitiveness—funds will be given to increase the competitiveness of regions that are not eligible for the convergence strand. The final strand is co-operation—the aim of joint working and the sharing of best practice.

I understand that the best position for Durham and the Tees valley will be to receive funding from the convergence strand, which would allow us to bring some £600 million into the region for economic development and regeneration for the period 2007–14. We could be eligible for such amounts through what is known as the statistical effect of enlargement, which applies to member regions and sub-regions whose per capita gross domestic product is below 75 per cent. of the EU average.

If we exclude Tyne and Wear, and especially Newcastle, which could be seen as an economic powerhouse in the north-east, the GDP of the north-east is one of the lowest in the country. The GDP per capita for Durham and Tees valley is even lower. The latest figures compiled by Eurostat show that the rolling average GDP of Durham and Tees valley for the period 2000–02 was 75.7 per cent. of the EU average. The relative decline in the period 2001–03—we are growing, but not as fast as other regions—means that the rolling average was about 74.78 per cent. of the EU average. This is the main point that I want to get across—there is the prospect of hundreds of millions of pounds for the region, but our eligibility for the convergence strand is borderline, and every percentage point is vital. A point more, and we receive nothing.

A major problem arises, however, from the calculation of GDP per capita, especially from the inclusion of incomes arising from economy activity that cannot easily be attributed to a geographical region. It is easy to identify such economic activity on land. In my constituency, Heerema is building an oil rig, which can be attributed to the north-east economy, but the extraction of oil and gas from the North sea is less easy to attribute.

The Office for National Statistics assigns such potentially difficult economic incomes to a virtual region of the UK called extra regio—a treatment that is consistent with the European accounting rules. Extra regio is a substantial part of the UK's GDP; it amounts to some 2 per cent. of national income, which is much more than other European states and reflects the importance to the UK economy of offshore oil and gas production.

The problem arises when Eurostat calculates regional GDP from the national data. Eurostat reallocates extra regio to regions pro rata, which has the effect of inflating the GDP per capita of all UK regions by about 2 per cent. Such a sharing out of extra regio is, in fact, contrary to the European system of accounts 1995 accounting procedure—I said that I would mention accounting rules—which is the legal basis for the compilation of EU regional statistics. The ONS has expressed its concern to Eurostat about that gross inconsistency. In June 2005, Len Cook, the national statistician, pronounced that the current treatment of extra regio is

"not statistically sound nor consistent with ESA 95. To not change the current method must reduce confidence in EU wide use of these statistics, as it appears that we are now deliberately continuing a practice that has a doubtful scientific basis".

Alun Michael: I acknowledge my hon. Friend's point. As he has suggested, the UK Government representatives have made that very point to the EU. Indeed, I recently wrote to the Commission to make our position clear and to urge it to introduce improved arrangements for the treatment of extra regio as soon as possible, and in time for the next financial perspective. I agree with the point that my hon. Friend makes.

Mr. Wright: I am extremely pleased with my right hon. Friend's response, because I am not pitting myself against the Government on this matter. On the contrary, I believe that everyone accepts that the system is inconsistent, and that it has a detrimental effect on the UK—particularly on the north-east, but also on other areas. I hope that we can address the inconsistencies.

I shall briefly mention Durham university. Durham county council's economic development section and the Tees valley joint strategy unit have been extremely helpful in highlighting the inconsistencies. Durham university carried out research to establish the components that make up GDP, as measured by Eurostat, and concluded:

"Regional and subregional estimates of GVA per head [used to develop GDP figures]... are subject to significant statistical error ... At a sub-regional level"—

such as Durham and Tees valley—

"[the error] can be as much as 10 per cent."

I am concerned that the potentially inaccurate and inconsistent use of inflated statistics may have profound repercussions on the future allocation of funding for Durham and Tees valley. We may miss out on £600 million because of the inclusion of that 2 per cent., which is itself against EU accounting procedures.

Imagine what that £600 million could help to achieve. That sum of money is over three times the budget of One NorthEast, the north-east regional development agency. That money could help to lever in further private and public money, which would help substantially to address the structural weaknesses in the sub-regional economy. We could put in place a 21st century transport infrastructure, such as a co-ordinated rail system in the Tees valley, with linkages to the expanded Teesport and to Durham Tees Valley airport, and a truly world-class logistics and distribution network. The money could help us to continue to address the skills shortages that prevent us from competing fully with the new graduates in China and India. It could also help to continue the progress made in the knowledge economy by Durham and Teesside universities so that real innovation could occur in the renewable energy and biotechnology industries, in which we have the potential to lead the world.

I strongly urge my right hon. Friend, in the remaining weeks of the UK's presidency of the EU, to press for the correction of the current blunt and unfair calculation. I am gratified by what he has said so far, but I want to stress the point that the benefits of that potential £600 million to Durham and Tees Valley would be immense.

11.17 am

Mr. Kevan Jones (North Durham) (Lab): I congratulate my hon. Friend the Member for Hartlepool (Mr. Wright) on securing this important debate. The complaint is often made in the House that too many lawyers are Members of Parliament, but having heard from a chartered accountant, I thank God that not more chartered accountants stand for Parliament.

It has already been said that the north-east suffered during the 1980s. It suffered not only the managed decline that we have seen in existing industries but suffered from a Government whose policy ripped the heart out of many parts of the north-east. That included my constituency of North Durham, where the Durham coalfield was closed down more or less overnight. On Tyne and Wear, shipbuilding was also closed down rapidly. Very little support was put in place for those communities, which were solely reliant on the shipbuilding or coal mining industries. Employment figures for the region in 1979 show that 29,000 people were employed in shipbuilding or shipbuilding-related industries on the Tyne; now there are less than 2,000. Where have all those people gone? In many cases, the economically active have moved out of the region, which has led to skill shortages in certain areas. It has also led to the problem in my constituency of a lack of hope: young people have no aspirations to go into higher education or new jobs in regions such as the north-east if opportunities are not there.

We in the north-east are occasionally accused of having a begging-bowl mentality, and it is something of which I have accused some regional politicians over the years. It is important to remember, however, that European funding has actually helped in respect of physical regeneration and some of the issues that affect people. Unlike Scotland and Wales, the north-east does not have a loud voice. I hear what the Minister says about moneys coming from the Government, but unless he can give me an assurance that they will match the £600 million, I will remain sceptical of the claim that the north-east will not lose out to principalities such as Wales.

Alun Michael: In discussing the availability of European finances, it is important to remember that the UK is a net contributor to the European Community budget, which means that all receipts from the EU come at a cost to the UK taxpayer. It is not free money. We contribute about 1.6 euros for every euro we receive. That is the reason why the Chancellor said that recycling money between Europe and the UK may not be the way to go and that it would be better if there were a different European approach. A tighter budget would allow more use of domestic finances to correct imbalances within regions of the UK, which we are already doing. That is not putting regional development on one side; the alternatives are not simply European funding or nothing.

Mr. Jones: I am sorry, but I do not agree. Will the Minister give hon. Members an assurance that if the north-east does not get the £600 million, he will knock on the Treasury's door and ask for that money? In a moment I will highlight some projects that depended on money in the past, and will depend on money in the future. If the Minister can give the assurance that I ask for, many hon. Members from the north-east will go away very happy.

Alun Michael: It is not a matter of my giving assurances in the Chamber today. I ask my hon. Friend to look at the Chancellor's comments on the future of European funding and at our arguments about needing a tighter, more focused European budget as the focus of the European Union shifts, as it must do, to the improvement in economic activity in the poorest regions, and especially in the poorest countries.

Mr. Jones: I hear what the Minister says, but as my hon. Friend the Member for Hartlepool said, the north-east will lose £600 million. If that were to happen in Wales, no doubt the Taffia would make a big song and dance about losing £600 million. I would like the Minister to say that if the north-east loses that money, it will get it from another source. As I will explain, some projects need funding as they affect the long-term regeneration of the north-east. The north-east is still on the bottom of the pile and if we want to change that, we need the investment.

I recognise that the Minister is a Welsh Member, but I hope that he will also lobby hard for the regions of the north-east, which desperately need Government investment if they are to close the prosperity gap between the north-east and the rest of the country.

There is a lot of criticism about how European Union money is distributed; the trade unions and others worked together to ensure that the money was directed to where it was needed. That is now being done by One North-East, which I accept had five wasted years under the previous chairman and chief executive, but which is now getting its act together and making strategic decisions about where investment from Europe should go to.

The money is vitally needed. I should like to cite a few examples of where it has made a difference in Durham. The first are physical developments, which one can actually see, such as Net Park in the Prime Minister's constituency. My hon. Friend the Member for Hartlepool mentioned how we want to change the nature of industry and how it is viewed in the north-east. Net Park does exactly that: it is a 250-acre site for the creation of modern science-based technology and industry, which is coming out of the regional universities. It is getting nearly £900,000 of European funding. Closer to my constituency, in that of my right hon. Friend the Member for North-West Durham (Hilary Armstrong), the strategic e-business centre at Consett provides high-class office and factory units for emerging e-businesses. In Bishop Auckland, which comes under Sedgefield council, the national railway museum has attracted funding. Those are three examples of how European funding is being used, helping to diversify the north-east economy, in tourism or e-business.

Another important aspect of regeneration, which is often forgotten about, is the development of the individual. We can see buildings going up in the north-east as a result of regeneration, but it is less easy to point to the benefits arising from some of the money being used to increase skills and achievement by individuals. I can cite a couple of projects in Durham, which are improving participation and achievement by 14 to 19-year-olds. The key strategy, which is now in place with the learning and skills council in County Durham and Durham county council, is to get such people into employment and raise their aspirations. It has ensured that 16-year-olds can achieve level 1 and 2 qualifications. It is about giving people hope.

There is also a problem in parts of my constituency that have high levels of adult illiteracy. The County Durham project, return to learn, has targeted those hard-to-reach individuals who have limited or, in some cases, no literacy or numeracy skills. To date, 1,300 individuals have been helped: that is 1,300 lives that have been changed directly by European funding. When we have bigger debates about Europe, people should remember those issues.

Finally, one project in my constituency, the Mace Base/Impact project, is trying to target youngsters aged 13 to 16 who display not only low achievements and aspiration but low attendance at school. Some show school attendance below 50 per cent. The project has so far helped 480 young people into vocational education and experience and given them careers advice and hope. In a lot of communities across the north-east, it is all about giving people hope and the confidence that they have a place in the world, whether in the north-east or a wider market.

European structural funds have been important in reducing long-term unemployment, widening participation in lifelong learning and promoting entrepreneurship. This is not an academic debate, although my hon. Friend the Member for Hartlepool makes it sound boring and tedious in terms of some of the accountancy-speak. I hope that I have highlighted that it is not only about physical regeneration but about helping individuals. Remember that boring accountants have a role in life in providing assistance to some of the most vulnerable people in my constituency.

Finally, I would like a guarantee to come out of today's debate that whether the £600 million comes from Europe or is matched by Whitehall the Minister will lobby hard in Europe on behalf of the north-east and, if that fails, he will ask with vigour for the money to be replaced to ensure that vital projects that have been and will be undertaken in the north-east can continue.

Sir Nicholas Winterton (in the Chair): I assure the hon. Gentleman that I did not find either his speech or that of the hon. Member for Hartlepool (Mr. Wright) boring in any way. I found them thoroughly interesting and well-informed.

11.31 am

Vera Baird (Redcar) (Lab): I am thrilled that you found those speeches enthralling, Sir Nicholas. I fear that the level of debate is about to take a nosedive.

I congratulate my hon. Friend the Member for Hartlepool (Mr. Wright) on obtaining the debate, setting out the basis of disadvantage and helping a poor workaday advocate such as me to understand it. I express my gratitude for his drawing the fire of my hon. Friend the Member for North Durham (Mr. Jones), who usually levels it at me as a lawyer. Both my colleagues have coruscating personalities and they have delivered high-powered speeches.

As this poor workaday lawyer tries to grapple with the accounting rules, the position seems to be as follows. The European Union considers Tees valley and Durham

[Vera Baird]

to have a gross domestic product per head of 75.9 per cent. of the average in the former 15 EU member states. If the average GDP in Tees valley and Durham was less than 75 per cent. per head, we would be eligible for statistical effects funding, whatever that might be—it is money, so it is good.

The GDP of Tees valley and Durham is inflated by a mathematical exercise that says that Great Britain benefits from a 2 per cent. accrual to GDP from offshore oil and gas. The Office for National Statistics puts that in the funny little country called extra regio. I will apply to see whether it has Members of Parliament, I think; I could see myself becoming a Minister quite quickly in extra regio. Heavens above, the EU puts the money out of extra regio, takes away my ambitions, and allocates it across the regions of the UK so that 2.2 per cent. of notional money is added to the GDP of Tees valley and Durham. That is how the figure gets to 75.9 per cent. Fool as I am at mathematics, even I can work out that the true GDP is 73.7 per cent.—below the 75 per cent. figure. It ought, therefore, to bring us the much-needed statistical effects funding. As I understand it, the disadvantage from which we suffer is entirely mathematical.

The reallocation of extra regio funding in such a way does not have much impact in other countries in Europe. That is an important point, because North sea gas and oil give a high figure for the UK. Figures would not be inflated in such a way, for instance, when considering French regional development contributions.

No calculation that I have seen makes that point particularly clear. I look to the Minister, who is a great master of detail, as he has just shown, to help me. I think that I am right that there is not a 2.2 per cent. accrual to the GDP of Tees valley and Durham from North sea oil. Any profit that comes from North sea oil or any enhancement of our average GDP in Tees valley and Durham is already counted in Tees Valley and Durham's money, so that the offshore accrual brought inshore is totally artificial.

Alun Michael: I am grateful to my hon. and learned Friend, not so much for giving way, as for insisting that I respond. Her constituency is likely to be extra-legal, rather than extra finance or extra regio. She is right: I suspect that the background to this is an attempt to ensure that the whole of the country's GDP is somehow reflected in the sum of regional figures. However, we agree strongly with the suggestion that extra-regio money applied to a region provides an element of distortion. As I indicated earlier, I have written in support of the views put forward officially on behalf of the Government to ask for the point to be dealt with in time for the next financial period.

Vera Baird: I am very grateful for that reassurance. I am also grateful to the joint strategy unit in Tees valley, which is funded by the five Tees valley authorities, and which makes it very clear that the UK Government have been consistent in expressing their concerns about the allocation of this extra-regio GDP. There seems to have been correspondence, which I am sure my hon. Friend the Member for Hartlepool will be able to understand, from the Office for National Statistics complaining to Eurostat about ESA 95. Eurostat has consistently refused to change the accounting methodology and says that it will not look at it until the next structural funds programme period in 2007. But there are precedents for national Government with a political will, as I am satisfied ours will have, to negotiate special deals for certain areas, particularly those seriously affected by economic decline, as part of the negotiating process in which financial programmes are drawn up. I hope that that process is under way.

If something is not done, we will suffer serious disadvantage. Much regional funding now comes from domestic funding. It is sensible not to make a major contribution into the EU and then fight for some of it back but to measure our contribution in a more balanced way and keep our domestic resources to supplement the GDP of those that need it. The disadvantage is great, however, at between £500 million and £600 million over the next seven years.

I want to reflect what my hon. Friend the Member for North Durham said: this is not about Tees valley and Durham holding out its hand. Historically authorities in London regarded Tees valley and Durham as a hopeless case, the old dosser with a hangover, wearing a raincoat tied up with string with a bottle of brown ale in the pocket, asking for more charity to keep him going. It is not at all like that. We are now a dynamic economy.

Last Thursday I had the pleasure of driving a JCB. Hon. Members were safely well away from that operation although they will be relieved to know that I was not allowed to do it on my own. I did so to cut the first bit of soil to found a new £200 million polyethylene plant at Wilton in Tees valley. Huntsman, an American multinational which already has an ethylene plant there, has historically exported its ethylene product which has been processed in a whole range of places in the world into polyethylene. British polyethylene needs have had to be imported again.

Huntsman could have put that polyethylene manufacturing plant pretty well anywhere in the world because it was already being processed externally. Yet it chose to put it in Teesside. It chose to put it in Wilton in the Redcar constituency because it appreciates that the circumstances there are good. The labour force is strong and committed; the raw materials are readily available; the land is readily available and the Wilton complex itself is a well resourced location with the infrastructure already in place. Huntsman can simply build its fabulous, highly modern plant—the largest for the manufacture of polyethylene in Europe—in Wilton. It is safeguarding 1,700 jobs and will generate more than 400 more, and in the meantime there will be a great deal of construction work. That will add hugely to the sub-regional economy of Teesside. We are dynamic and we can attract such investment. Of course, it was assisted immeasurably by a Department of Trade and Industry grant, which encouraged Huntsman to go there.

A further major centre of development in my constituency is Teesport. Here, perhaps, I can make the point most strongly about the potential danger from any loss of structural funding through the mathematical quirk. Teesport is the second largest port in the UK in terms of volume and the tenth largest in western Europe. Some 10 per cent. of all traffic through UK ports is handled at Tees and Hartlepool. My hon. Friend the Member for Hartlepool and I represent constituencies

on opposite sides of the mouth of the River Tees. The port has a unique asset in that it is the only port on the east coast that can take 150,000-tonne vessels and provide direct access to the sea in 30 minutes. The port is very important for the chemical industry—the basic industry at Wilton—in terms of the export of feedstock and the import and export of chemicals themselves. The development of agricultural feedstock in relation to chemicals is helping the port to grow.

There is a major steelworks in Redcar—the Corus steelworks—which over the past few years has had to change the basis of its functioning. It was an integrated plant. Historically, its slab and its final steels went into Corus itself, but Corus decided that the steelworks at Redcar would no longer be able to do that, that it was focusing its activities on two other sites, in Wales and Scunthorpe, and that Redcar would have to sink or swim as a merchant mill manufacturing its own slab and exporting it on the export market. In fact, the situation has turned around to some extent so that Corus still wants some of Redcar's steel, but in the immediate future the profile will move away from imports and very much towards exports, with the intention that Corus should export probably about 3 million tonnes of its product over the next few years, in an increasing graph. That will open up more wharfage along the banks of the river and open the potential for an environmental industries park next to the wharf.

Teesport has an ambitious plan for a deep sea container port, which I am heavily involved in trying to promote. One has to pause and say that if we were a statistical effect region because there was not this mathematical quirk and we were awarded convergence funding, that funding would be available to upgrade road and rail infrastructure. Some constraint on the development of Teesport is imposed by the rail infrastructure, and a programme is needed to develop and improve it. There is a need for 21 in-and-out train paths a day; currently, there is the capacity for only 19 in and out. An internal rail link between Corus and the port is urgently needed to enable the port to deal with the increasing requirement for steel slab, which needs to be exported. Within the next three years, I am told, the rail infrastructure improvements to service the proposed deep sea container terminal will be important. Signal improvements will be needed to cope with all the expansion in rail traffic that the developments require, and a new railhead will be needed at another flourishing industrial installation just outside my constituency—Cleveland Potash, a major potash mine.

It is important that our dynamism can continue to develop through all those obvious outlets and it is issues such as infrastructure that make all the difference between Teesport flourishing and perhaps not flourishing so fast. The magic key, the spoonful of sugar that makes the medicine go down, is what we are worried about when we consider the mathematical quirk robbing us of convergence funding.

Today, I am looking for reassurance that the Minister will take on board our situation as an economy that is dynamic but that has a long way to go because of all the depredations over our steel, coal and so on throughout the Thatcher era, and because of the decline in manufacturing generally. We start from a low base, but we are dynamic. I seek reassurance that the Minister takes seriously the need to negotiate for the funding—£600 million over seven years is a huge component—and to satisfy us that the Government are in serious negotiation. How optimistic they are about the negotiations to change the mind of the EU; and can the Minister give us reassurances of the kind asked for by my hon. Friend the Member for North Durham, namely that if there is no change in the method of accounting, so that we remain disadvantaged as a result of a European quirk, the funds will be replaced by our own Government?

11.45 am

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the hon. Member for Hartlepool (Mr. Wright) on having secured this important debate and on the well argued case that he, the hon. Member for North Durham (Mr. Jones) and the hon. and learned Member for Redcar (Vera Baird) have made. I was pleased to hear from an accountant who was able to explain accounting principles in a way that a lay person could understand—I was certainly able to follow his argument.

It has long been one of the principles of the EU that those regions with a lower than average per capita gross domestic product should benefit from the EU's structural funds. Such funds have been of great benefit to many UK regions, including the Highlands and Islands. The Tees valley and Durham area has benefited from European regional development funding in recent years. I note that projects such as Cathedral park and the River Green centre in Durham, and community centres such as the Grange villa community centre, have benefited from European money, and the hon. Members from the north-east were able to explain all the other benefits that European funding has brought to that part of the country. European regions with a low GDP are inclined to suffer from the shutdown of traditional industries, and the Tees valley and Durham area follows that pattern—in recent years it has lost many manufacturing, steel and coal mining jobs.

Regions with a low GDP can also suffer from the geographical disadvantage of being far from Europe's main centres of population, and the European structural fund has an important role to play in creating a level playing field, allowing remoter regions to compete with those at the geographic heart of Europe. Structural funds, as we have heard, can be used to invest in infrastructure, transport and business premises; to give help and support to those seeking to start and develop small and medium-sized businesses; and to train workers—many of whom might have been unemployed for a long time—in the new skills that are needed in the modern world if they are to compete in fields such as computing and internet technology.

It should be noted that London and the south-east also benefit when structural funds assistance is given to remote parts of the UK. Hon. Members from the south-east seem to be forever complaining about the Deputy Prime Minister's plans for more house building in the region. There is clearly a shortage of housing in London and the south-east for those who want to live and work there, but it has to be borne in mind that many of those who have migrated from other parts of the UK to the south-east have done so because of the lack of job prospects in their home regions. They would have preferred to live, work and spend their lives in the areas

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in which they grew up, but economic conditions have forced them to migrate to the south-east, causing the housing problems. Therefore, structural investment in the more remote parts of the UK is important not only for those parts of the country but for London and the south-east. If it were left purely to the market, the whole population would simply move to the south-east and there would be no green grass left there.

Issues have been raised pertaining to Durham and the Tees valley. Hon. Members have made an important point about the statistical quirk that means that Durham and the Tees valley's GDP would be under the 75 per cent. threshold that would qualify it for European structural funding were it not for the fact that European statisticians have added on a notional amount for Britain's oil and gas reserves. I agree that it is entirely illogical to say that Durham and the Tees valley benefits to the extent of 2.2 per cent. of its GDP from Britain's offshore oil and gas reserves. It is undoubtedly not true that that 2.2 per cent. benefits everybody throughout the UK equally. I was pleased to hear the Minister say that the Government are making a case to the European Commission that that notional amount should be excluded from the calculation.

The addition of 10 new members to the EU last year reduced Europe's per capita GDP. That means that in many regions where the average GDP had been below the 75 per cent. threshold before the 10 new states joined, their GDP is now above the 75 per cent. threshold. It is important to bear it in mind that the economic circumstances in those regions have not changed because of the 10 new regions joining the EU.

Last year the European Commission proposed an increase in the structural and cohesion funds budget to allow generous transitional arrangements for regions with a low GDP in wealthier member states. However, the Government rejected that model, and they appear to favour a model under which the European structural and cohesion fund would be much smaller, with its resources concentrated in the EU's poorer member states. Some regions in the UK that might have benefited from transitional funding would not benefit under the Government's model.

As the Minister said earlier, the Government have stated that under their preferred model, national Governments would take over responsibility for structural assistance to their own regions with a low per capita GDP. However, the Government have been vague about the detail, and hon. Members pressed the Minister for assurances.

Before the recess the hon. Member for Hartlepool tried to get information out of the Government, when he tabled a written question asking what estimate the Secretary of State for Trade and Industry

"has made of future European enterprise and other economic development funding for the North East region of the UK."

The Minister was not able to answer the question. He said:

"It is not possible at this stage to estimate the level of any future UK receipts for an individual UK region." —[*Official Report*, 21 July 2005; Vol. 436; c. 1924W.]

I ask the Minister to bear in mind that we are discussing the budget starting in 2007, which is not far away.

Alun Michael: I am glad that the hon. Gentleman read that reply. If, as he suggests, he has had some contact with the regional funds in the past, he will know full well that it is impossible to anticipate figures well in advance. That is always the case; and, if I may say so, it is always the attitude of Opposition parties to demand figures that they know full well are impossible to produce.

I ask the hon. Gentleman not to suggest that the Government are proposing to re-nationalise regional policy. We are proposing that the focus of EU spending must be a tight budget for the priorities of the poorest regions in the poorest countries of the EU. The Government have already accepted the need to ensure that within the EU-wide context there is a national responsibility for helping the poorer regions.

Mr. Reid: I thank the Minister for that explanation of the Government's policy. However, it is not just Opposition parties who are asking for those assurances, but his hon. Friends. I hope that he will be able to provide them with the assurances that they seek.

11.53 am

Charles Hendry (Wealden) (Con): May I say what a great pleasure it is to appear in this Chamber under your chairmanship, Sir Nicholas? I congratulate the hon. Member for Hartlepool (Mr. Wright) on securing the debate, and on the way in which he introduced it in his normal, articulate manner and with his commitment to his constituency.

It was scandalous that his hon. Friend the Member for North Durham (Mr. Jones) should call him boring and tedious. The Opposition can rejoice in the fact that the people of Hartlepool are now represented by somebody who tells the story in an un-spun and unvarnished way. We take great joy in that.

The hon. Member for Hartlepool understandably feels strongly. He spoke about £600 million being at stake. I felt that the Minister was slightly evasive—am I allowed to say that, Sir Nicholas? That is certainly what the Minister was, but if I were not allowed to say so, I should apologise. He was evasive as to the Government's response. It was interesting to hear about the extra regio aspects of the matter, about which, clearly, no one has told the Deputy Prime Minister; if they had, he would have wanted an elected regional assembly for somewhere out in the North sea. He has probably recognised that that might be the only place in the country where he could win a referendum on establishing such an assembly. However, the point adds an important element to the debate.

The hon. Members for Hartlepool and for North Durham spoke about second and third generations of their constituents living on benefits. There is a question of a new north-south divide opening up. I think that we all welcome the movement of some aspects of government from the cities, and London in particular, to the regions. However, there is a danger that we could go too far down the line of establishing economies in the north that are particularly sustained by public sector jobs—although that professional employment and salaries those bring are important—because of the risk

of two separate economies: one in the south predominantly driven by the private sector and wealth creation and the ability to give bonuses and shareholdings to employees; and a rather more static one in the north and the regions. We need to keep our eyes open for that.

I began to get to know the region a little about 15 years ago, when I was a special adviser to the then Minister of Trade and Industry, Tony Newton. I think that he, looking back, would still consider the greatest sadness of his political career the fact that he could not secure the future of shipbuilding in Tyneside and Wearside. People do not, I think, understand how much effort he put into the attempt. It was, in the end, European Commission rules that prevented a rescue package from being put in place.

Mr. Kevan Jones: I also have a long memory. The closure of Swan Hunter at that time was directly down to the Conservative Government, who took a political decision to put the last order for the oil replenishment vessel into Barrow rather than Swan Hunter. I am not quite sure how hard the Minister fought.

Charles Hendry: Having been party to the many discussions that went on, I think that Lord Newton had a tremendous personal commitment to the continuation of shipbuilding. I do not want to divert the debate in that that direction, Sir Nicholas, because you would rule that out of order, but the rescue package that he wanted to implement was blocked by European Commission rules on what state aid could be given to manufacturing.

I had the chance to see some of the changes about which the hon. Member for Hartlepool spoke in connection with the resurgence of Hartlepool, when I spent a few days there last year. It would perhaps be churlish to point out that I was there trying to prevent him from winning his seat, but a tremendous amount of new investment is under way, a magnificent change that we are all pleased to see. I hope that the hon. Gentleman will recognise that that investment goes back beyond the time of the present Chancellor and that credit should also be given to my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) for his stewardship of the economy, which was the point at which much of the investment started, and which is one reason for his being so adequately prepared to take on the job that he has applied for.

I welcome the Government's engagement in negotiations over the financial framework for 2007 to 2013 and the future of EU structural funding. That is clearly a vital issue and has clearly taken on added importance for the UK since the commencement of our presidency of the European Union. Indeed, that has placed us in the driving seat with respect to future changes. I hope that the Government will take the opportunity to help to maximise the social and economic development of regions across EU member states—something that the structural fund scheme, when administered properly, can play a vital part in helping to achieve.

As we push forward with changes, it is essential that we should have greater national control over the administration and direction of regional development funding. As a sensible and constructive direction in which we should be heading—I suspect that the Minister does not agree, but I feel very strongly about it—surely individual member states, rather than EU institutions, know best how regional projects could be developed in the most practical, resourceful and beneficial way. Indeed, that point is acknowledged by the House of Lords European Union Committee in its report. We therefore look to the Minister for reassurances that any reforms will be balanced by the ability of member states to pursue domestic regional development policies. I know that the Minister's Department is committed to creating added value to the funds. Does he acknowledge that that greater element of flexibility is a means by which that could be achieved?

Stemming from that point, there is also an issue regarding financing and the ability of the richer nations to pursue domestic policies in spite of the money that they are ploughing into the EU budget. As has been said, the statistical effect of EU enlargement is central to that in that it has caused average GDP per head to lower, thus making regions in the original 15 members of the EU relatively wealthier. However, as the hon. Member for Argyll and Bute (Mr. Reid) said, there has been no change in the absolute wealth of those regions. In the case of objective 1 regions, where the qualification criterion is an average GDP per head of less than 75 per cent. of the EU average, we are therefore faced with the prospect that our most-in-need regions will not be guaranteed the same funding as previously. What steps are the Minister and his Department taking to address that? Can he guarantee that, following reform, no UK region will face losing out on previous funds it has received, and can he reassure us that there will be resources for us to support such regions domestically if need be?

I hope that, equally, the Government will commit themselves to tackling unnecessary bureaucracy and simplifying decision-making processes. That is a vital way forward for improving the value and efficiency of the structural funds scheme. We know only too well from the uncertainty and complications of common agricultural policy reform the effects that bad administration and poor decision making can have on those whom such schemes are designed to help. We would welcome a commitment from the Minister to ensure that any changes are practical, can be carried through smoothly and are communicated properly to individual member states.

This issue does not just affect the north-east. Constituencies such as mine, in the south-east of England, face huge pressure to build houses because of the economic growth taking place there. Many of us want to see much greater and faster growth in the regions because it will stop the pressure for new house building in our constituencies. EU funding clearly has an extremely important role to play in that and I therefore congratulate the hon. Member for Hartlepool on securing the debate, raising the issue and recognising that it is important not just for his constituency and the north-east region, but for other parts of the country as well.

12.2 pm

The Minister for Industry and the Regions (Alun Michael): It is always a particular pleasure to appear in this alternative Chamber, under the wit and humour of

[Alun Michael]

your chairmanship, Sir Nicholas. It is also a pleasure to respond to the thoughtful and vigorous contribution made by my hon. Friend the Member for Hartlepool (Mr. Wright). He did not just speak as an MP appealing to the pork barrel, although, for the avoidance of doubt, I did hear him say the words, "If there's money for my constituency, I'm interested," and who could disagree with that? However, he confronted some real issues about the way in which we deal with European funding and our responsibility to try to promote the economies of regions such as the north-east.

My hon. Friend rightly referred to the enormous problems experienced by the north-east. They are very similar to those experienced in my constituency and other parts of south Wales. I remember the devastation caused to the economy when the steelworks closed and the difficulty of promoting alternative employment and a more entrepreneurial approach to the development of business right across the spectrum. He rightly stressed the progress that has been made—the 26 per cent. drop in unemployment and the success of other Government policies. It is fair to say that changing the economy in the longer term involves a change of culture as well as simple issues of funding and finance.

My hon. Friend made it clear that he is ambitious for his constituency. As a Government, we want to be even more ambitious for the future. In pursuing that objective, we have devolved vastly increasing sums of money to the regional development agencies. Of those regions, the north-east, as is right in terms of its economic problems, gets the most—in comparative terms—of that contribution. We are also considering—I pay tribute to the way in which the Secretary of State has approached this—the way in which city regions can promote the economy. In other words, we are considering how the city or cities in a region can help to drive the economy. I visited Newcastle recently in my hon. Friend's company and it was a salutary and challenging experience. We spent some time going along the banks of the Tyne, and I was struck not just by the fact that many areas were a hive of activity during previous industrial periods but by the immense potential there. That potential is being realised in Newcastle and Gateshead but it extends a long way into the former industrial areas along the Tyne.

We need to promote increased business engagement, which was very much in evidence, as was the partnership between a variety of local authorities in the north-east. I was reassured that the city areas are not seeing the future of the region just as an opportunity for themselves but as an opportunity to work with other local authorities.

I took away from that visit the fact that young people in the area need much greater ambitions. We met very bright young people who love the area but do not think of business as the life for them. We need to take the opportunity, through some of the projects the Government support, to encourage young people into roles of initiative and leadership. I refer particularly to the investment we have made in entrepreneurship education with colleagues at the Department for Education and Skills; the work of Enterprise Insight and enterprise week; the work of social entrepreneurs, which we support and which makes a contribution to the economy; the work of bodies such as the Manufacturing Advisory Service, which is organised on a regional level and has proved extremely successful in regions—including the north-east—in helping manufacturers to squeeze a greater return out of the work that they undertake; and the promotion of information and communications technology, which has contributed about 40 per cent. of GDP growth in the European Union in recent years.

We have been pushing for the development of broadband access throughout the country and for greater ambition in ICT. If we are to compete successfully against the growing economies of the world, we need to be ambitious about success not just in parts of the country where industries already exist but across the digital divide, for economies, individuals and communities in all parts of the country. We need to push not just for broadband access, but its use.

I am grateful for the responses we heard from the hon. Members for Argyll and Bute (Mr. Reid) and for Wealden (Charles Hendry), although the latter left me with the impression that he has not been north of Watford very much, except for the odd trip at an election during his time as special adviser. I say to him that there is a great deal more to apologise about than he seemed to accept. Lord Newton is a very nice man but he was part of a Government that devastated business and the regions of this country, particularly places such as the north-east. I make no comment on the hon. Gentleman's advocacy of the right hon. and learned Member for Rushcliffe (Mr. Clarke) as the leader of his party, but I say to him that, whether he takes a step backwards or forwards in time, it will be a long time before his party is able to overcome the guilt it rightly has for the devastating damage it did to this country and to come to be regarded as a contender for office in future.

I was particularly pleased with the contributions of my hon. Friend the Member for North Durham (Mr. Jones) and my hon. and learned Friend the Member for Redcar (Vera Baird), although they were challenging. They demonstrated their knowledge and understanding of their constituencies and what is needed for their future success. My hon. Friend the Member for Stockton, South (Ms Taylor) was unable to attend, but she spoke to me about the matter last night and I know that she wanted to be part of the debate.

In an intervention, I pointed out that the UK is a net contributor to the EC budget. That means that all receipts from the EU come at a cost to the UK taxpayer. It is not free money: we currently contribute about 1.6 euros for each euro we receive. The message that I take from that is that we should make sure that every euro that comes into this country is well spent and should look for better ways of doing things in the longer term. Indeed, change has already taken place. We have significantly increased domestic spending on regional policy across the UK, focusing resources on drivers of productivity, such as skills, infrastructure, enterprise and new technology. Structural funds have played an important part in that.

In Durham and Tees valley, we have committed more than £300 million in grants as part of the current objective 2 programme. The money has been used to support 800 projects, representing more than £520 million of investment and the creation or

safeguarding of 30,000 jobs. The funds have been used to drive forward initiatives such as the Business Link County Durham project, which has assisted 938 small businesses, the Cathedral Park project, which has been mentioned and which has developed brownfield land in Durham for local businesses, and the Middlehaven project, which will provide essential infrastructure for Middlesbrough. All those are important.

However, domestic programmes play an increasingly important role in the region's regeneration. County Durham's urban and rural renaissance project has focused on addressing development opportunities and improving neighbourhood infrastructure. The incubator initiative at Queen's Meadow business park offers integrated services for promoting business creation and growth. The West Middlesbrough Trust has gained more than £3 million for housing renewal.

Domestic spending in the form of national programmes and co-financing for structural funds plays by far the most important role in our regional development. I accept that it is sometimes difficult to disentangle what is domestic and what is European money, but the important point is that domestic spending—this is a fact—now plays the most important role.

Mr. Iain Wright: Hartlepool has been a huge beneficiary of domestic regeneration funding, including neighbourhood renewal funding and the single regeneration budget. Last week, the Government announced that Hartlepool had received £9.2 million to pump into the town's most deprived wards. That is all very welcome, but the fact remains that, as my hon. Friend the Member for North Durham (Mr. Jones) said, there is £600 million on the table and we are not allowed it because of a statistical quirk. That is the point that I want the Minister to address. Will the Government pledge to fill that gap as far as possible?

Alun Michael: My hon. Friend is wrong: there is not £600 million on any table anywhere—there are calculations that can be made about the likelihood of returns. The point that I am making to my hon. Friend is that for every euro—or, for that matter, every pound—of European funds spent in this country, we have to spend another €1.6 or another £1.6. It is important to bear that in mind when we come back to the key point that I was trying to make to set out the context for our consideration of European funding: three quarters of public spending on regional development in the UK already comes from domestic sources.

Under any scenario, that proportion is set to increase further in the near future. The enlargement of the EU following the entry of 10 poorer countries means that EU regional funding will inevitably and, I am sure that my hon. Friend will agree, rightly shift to those new member states. That situation requires a fundamental reappraisal of EU regional policy, which is what the Government have been trying to promote in debates in Europe. We are determined to push for an effective reform that delivers a good result for the UK as well as for the EU as a whole.

Mr. Kevan Jones: I am not quite sure what point the Minister is trying to make. The advantage of European structural funding for the north-east is that there is no need to go through the competition that would be required if the funding were allocated through Whitehall. The important point, however, is that the Minister said that the £600 million is not on the table. Well, I am sorry, but I have got news for him. There are people in the north-east who have projects based on that figure, and those projects are costed and out there. If the money is not there, those projects will not go ahead. I cannot understand why it is so difficult for the Minister to give a commitment to plug the gap if it actually appears.

Alun Michael: I confess that I cannot understand why my hon. Friend finds the point so difficult. The budget has not been agreed, so there is no money on the table. The rules under which money is to be allocated were being debated in Brussels yesterday; indeed, I took part in wide-ranging discussions about them. It is not a question of there being a bag of money on the table that is somehow being denied by the Government. That familiar argument is sometimes used when people have calculated a figure based on a set of assumptions that may or may not come about who then say, "That money is being denied us by an evil Government." That argument is heard more frequently from Opposition Members than from one's own side, but I want to make it clear that there is not a bag of money waiting to be collected from Europe, provided the Government remove an obstruction. It is not true. It is mythology. It is made up. I shall not go there.

Mr. Jones: I do not agree with the Minister. Will he come to the north-east and tell those councils and organisations that have predicated their projects on getting EU funding in this round that they cannot have the money? If it does not come from Europe it will have to come from somewhere else. It is not acceptable for the Minister to say that the money is not there and that we are making it up. Organisations need that money, and if the gap is not to be filled by Europe, it will have to be filled by someone else.

Alun Michael: I sigh deeply because my hon. Friend must accept the fact that there is no budget and therefore that a sum of money is not waiting. We believe that the proposals made by the European Commission are excessive and bad for the UK; as a result, the level of EU funding is being debated. Once the level of funding is decided, a debate is to be had on how that funding should be allocated.

Let us go a little further on the question of reform of the wider EU budget. As the Prime Minister made clear in his speech to the European Parliament in July, we are committed to working towards a deal on the EC budget during our EU presidency. However, it has to be the right deal; it must equip the EU for the challenges of the 21st century, and it should respond to the needs of the 10 new member states post enlargement.

We face a major competitive challenge from countries such as China and India. In those circumstances, we question whether it is right for the EU to continue to spend 40 per cent. of its budget on agriculture and to focus 50 per cent. of its structural fund budget on the older, richer member states. For that reason, we have made a case for a fundamental review of the EC budget during the next financial perspective in order to focus on

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areas where EU intervention will create genuine added value and where the budget is likely to have the greatest impact. We are looking beyond the 2007 financial perspective, but it is time to take a longer look if we are to succeed in getting a more efficient and effective Europe.

My hon. Friends the Members for Hartlepool and for North Durham referred to the theoretical figure of £600 million. Again, I underline the fact that the Government set out the detailed methodology for applying a guarantee of domestic contribution to regional development funding in a written answer on 11 December 2003. If our proposals for reform were to be accepted, we would increase the domestic resources available for regional policy by the amount that our regions would have received had the current arrangements for allocation of structural funds been applied under a no-reform scenario with an EU of 25 member states.

Vera Baird: Will the Minister give way?

Alun Michael: Perhaps my hon. and learned Friend will let me finish dealing with the point; she can then address what I have said.

The information is in the public domain—it has been put to Parliament more than once—yet we still revert to theoretical bags of money. It is not possible to calculate the exact value of the guarantee at this stage, just as it is impossible to calculate the exact value of future structural fund receipts under different reform scenarios. Structural funds are allocated by reference to statistics on regional economic performance across the EU for the most recent three years prior to the programming period for which data are available. Indeed, what my hon. Friend the Member for Hartlepool said about how the figures are calculated is salient at this stage, because until the budget and the rules that are to apply are fixed and known, all figures are theoretical.

In order to calculate the value of the guarantee it will be necessary to know data such as the GDP and employment statistics for the whole of the EU available for the most recent three years prior to the start of the next programme period in 2007. I say that again because the figures for one region have to be set against the figures for regions across the EU. It is likely that the most recent data will be for 2001 to 2003, and they will not be available until the end of 2005 at the earliest. Again, it is impossible to make meaningful estimates at this stage.

The guarantee will be subject to the same additionality requirements as the current structural fund allocations to ensure that the new money does not replace pre-existing structural expenditure, which means that the guarantee will be additional to the Government's current domestic expenditure on regional development, including the domestic resources used to co-finance the structural fund's programmes in the region.

Vera Baird: I appreciate what the Minister is saying about there being no budget overall. However, my understanding from the joint strategy unit—the Tees valley-wide joint strategy body—is that the amount of European funding at stake, as its director is quoted as saying, is up to £500 million over seven years to support vital economic development and regeneration projects. I appreciate that we cannot count on that, with its decimal points perfectly in place, while the budget is still undetermined, but my right hon. Friend is casting his net quite wide when he talks about long-term changes in the budget and says that we cannot really rely on a penny until we have sorted everything out. I wonder how realistic that is.

I want to make one further point: the guarantee that funding of this kind will be replaced by domestic sources on the same basis as it is made available from the EU means that the accounting quirk will still be against us. Is that what the Minister wants?

Alun Michael: My hon. and learned Friend mixes two things. First, we want the statistics on which any calculation is made to be the best possible, which is why we made representations to the Commission about how the calculations are made, as I said earlier. I agree with the points that were made earlier; my hon. Friend the Member for Hartlepool made a specific point in addition to the matter of the extra regio money, which I am not entirely sure that I understand. However, I will be happy to look at the detail with him later.

My hon. and learned Friend the Member for Redcar said that people who have spoken to her say that there is "up to" £500 million available. It is easy to use that phrase, but what does it mean? It depends on a series of conditions. We know that the north-east requires the greatest help among the regions of England that require help of different kinds, and will therefore be the greatest beneficiary. However, we cannot put a figure on that at this stage. We are not talking about the long-distant future.

I have talked about two things: first, how the figures will be calculated for the 2007–2012 period and, secondly, about the need for a major overhaul of EU funding and how that is done, as the Prime Minister set out in his speech. We want it to start early and not to wait until the end of the next period so that yet again we are in debates a year or two before the start of a new financial perspective about how the new arrangements will work. People need a longer perspective on how support is provided.

We have made considerable advances already on the matter of statistics. The Commission published its revised draft regional aid guidelines in July. In line with our representations on the Commission's original text, the new proposals are much more flexible: 23.5 per cent. of the UK will fall within the assisted areas compared with only 9 per cent. in the initial proposals. If those changes had not been made, the guidelines would have excluded the possibility of any coverage of the north-east. I am happy to go into greater detail if my hon. Friends want me to, to underline the fact that there are ongoing negotiations in which we are achieving success, not only on some of the great strategic issues but in some of the detailed arguments and on statistical issues.

The difficulty at present is that the member states refuse to agree to the EC budget in June under the Luxembourg presidency. That budget was higher than

we had advocated at the 1 per cent. level but considerably lower than the large increase for which the Commission had argued. It is incorrect to assume that the Commission's proposal has been agreed, which must be the basis for the £500 million-figure that is being bandied around. We must bear it in mind that if that figure or anything like it were to obtain, we in the United Kingdom would pay £1.60 for every £1 coming in and would be greatly constrained in the provision of money for additional domestic regeneration which we have greatly expanded, particularly into the funding of the regional development agency.

Vera Baird: The Minister is making a clear point about the cost of funding.

I am anxious about the second point that you allowed me to raise, Sir Nicholas. If the Government's undertaking is to replace moneys that would otherwise come from this budget, on a like-for-like basis for eligibility the suggestion is clear that the mathematical quirk that excludes Tees valley will continue because the Government will replicate the existing rules. That worries us and that is what the debate is about. Can the Minister help us?

Alun Michael: No, I think my hon. and learned Friend is wrong. Such matters are inevitably complex. First, the guarantee is based on the response to our proposals, and we have passed to negotiation, trying to get as close as possible to our proposals and away from the Commission's inefficient and expensive proposals. Like for like would have applied if the existing set of rules had applied next time, compared with what we want rather than looking backwards to an earlier period. The statistical anomalies are neutral as regards the way forward we are arguing for.

On the accuracy of statistics on regional and economic performance in the UK, in addition to discussing Eurostat's methodology for allocating extra-regio output, my hon. Friend the Member for Hartlepool questioned the accuracy of statistics on regional economic performance in the UK. The Office for National Statistics is responsible for providing Eurostat with that information and makes use of the best available data and methods that have been agreed throughout the EU to ensure the greatest possible accuracy. However, I am happy to look at any specific anomaly or concerns that my hon. Friend may have and to ensure that they are fully discussed with the Office for National Statistics.

The reform negotiations to date have been important. The Commission proposed a major increase in its budget, advocating a major 30 per cent. real-terms expansion in the structural funds budget from €257 billion in the current cycle to €374 billion for the next EC financial perspective. It proposes to focus on three new objectives: a convergence objective for regions with GDP below 75 per cent. of EU average, a competitiveness objective for richer regions, and a co-operative objective to finance cross-border co-operation projects, which is likely to focus more on better-off areas in better-off states.

There has been good progress on negotiations to date, but a number of key issues remain to be resolved. More importantly, we still need to reach a settlement on the overall size and focus of the structural funds budget. We also need to reach agreement on a number of technical rules for future programmes.

I spent much of yesterday with Commissioner Danuta Hübner and representatives of the Committee of the Regions and the European Parliament discussing the implications of some of the rules that we are discussing. It is important to understand that at the moment, while we hold the EU presidency, we have the obligation to try to reach an outcome and we are determined to make swift progress towards an agreement, while at the same time maintaining a firm national position on the size and focus of the spending of structural funds, and arguing for a disciplined and sustainable structural funds budget consistent with an EC budget of 1 per cent. of EU gross national income. The argument about the guarantee in the statement relates to the wish to achieve an outcome.

Our discipline proposals would ensure that the EU's limited financial resources were carefully targeted at the poorest countries and the poorest regions in those countries where EU intervention is likely to have the greatest added value. We are acutely aware of the difficulties faced by this country's poorer regions and of their development needs. That is why such regions remain a priority in our work and why an unprecedented guarantee was included as an accompaniment to our proposal on how EU funding should be developed. I assure colleagues that the needs of Durham, the Tees valley and the whole north-east are a high priority in my work with the RDAs and for the Government as a whole.

Rushden Fire Service

12.30 pm

Mr. Peter Bone (Wellingborough) (Con): I should like to begin by thanking Mr. Speaker for kindly granting me the opportunity to have a debate on the Rushden fire service and by thanking you, Mr. Taylor, for chairing the debate. I should also like to thank the Minister for attending to respond to it. This is probably the first time that there has been a debate in Parliament on Rushden, and I am grateful that I have been given the opportunity to highlight one of the most important issues affecting the town and the surrounding area in my constituency.

I am pleased to welcome to the Palace of Westminster Councillors Allan Bailey, Ron Pinnock, Mrs. Pinnock, Paul Bell and Steven North, who have been instrumental in highlighting the issues, and Steve Mason, Gary Mitchell and David Limer, who are local firefighters.

David Taylor (in the Chair): Order. I remind the hon. Member that it is not strictly in order to refer to people outside the debate.

Mr. Bone: Thank you, Mr. Taylor.

I should like to pay tribute to the superb job that firefighters do in my patch and around the country. They risk their lives day in and day out for us, and the hugely important job that they do should be noted. Our instinct would be to run away from a terrorist attack, but the firefighter's instinct would be to run towards it.

Rushden lies in the east of the Wellingborough constituency and is a largely urban area. Rushden fire service serves the towns of Rushden and neighbouring Higham Ferrers and Irchester as well as several towns and villages outside the constituency. Rushden has the only full-time fire station in the whole of east Northamptonshire. It is home to Northamptonshire's incident response unit, which is manned by the whole-time, professional firefighters in Rushden, and which would be used to respond to a chemical, biological or other terrorist attack in the area or as a back-up to the incident response units in London should there be a large-scale attack in the capital.

Rushden, Higham Ferrers and Irchester have a population of more than 40,000 people. The huge increase in development that is about to take place in the county will mean many more new homes in the area and increased traffic on the roads, all of which require a fire service at Rushden fire station that has a 24-hour guaranteed turnout. The Office of the Deputy Prime Minister declared that an extra 167,000 homes are to be built in Northamptonshire during the next 20 or so years, and 10,000 are to be built in east Northamptonshire. There is also a huge ongoing project to develop thousands of homes in east Wellingborough, which is beside Rushden.

At a time when Rushden and the surrounding areas are set to grow rapidly, we should be thinking about more fire cover provision, or, at the very least, what is in place at present, but certainly not a reduced fire service. Is it not in the interests of all those who live in and who will migrate to the area to have the satisfaction of knowing that, should they need it, there is 24-hour guaranteed turnout for a fire engine from Rushden station? I should be interested to hear the Minister's view later in the debate, but it certainly seems that any talk of reducing a service while the population who need to use it is growing is ludicrous.

Given the plans for huge expansion in Northamptonshire, will the Minister tell us what plans there are to expand the fire service in the county, with particular reference to east Northamptonshire and Rushden? What guarantees are there that that will be done before the development of the extra homes? Can the Minister guarantee that proper infrastructure will be in place beforehand?

Last year, the previous administration of Northamptonshire county council proposed to cut fire cover in Rushden. Under the current system, if a pump from Rushden fire station is required, a full-time, professional team is guaranteed to turn out 24 hours a day, seven days a week. The fire station operates two watches of seven full-time firefighters, who rotate in shifts for four whole days and nights. Those watches are required to turn out at any time of day or night. It is often at night that the most deadly fires occur.

Rushden operates a second pump, which is manned by part-time, retained firefighters. It is used for incidents that need more than one fire engine, when the first pump has already been called out, and if another area, such as Wellingborough, requires a back-up pump. Part-time, retained firefighters are not required to turn out if the second pump is needed. There is a huge countrywide problem in recruiting part-time, retained firefighters, as most retained firefighters are already in full-time employment and become part-time retainers as a supplementary job.

There is a particular problem recruiting retained firefighters in Rushden because the decline of the manufacturing industry in Northamptonshire means that people who used to work locally have to travel further to work and are unable to devote as much time to becoming part-time firefighters. Will the Minister acknowledge that fact and tell us the number of retained firefighters in Northamptonshire and in Rushden 10 years ago, five years ago and now? Will he also tell us what the establishment for retained firefighters is for Northamptonshire and for Rushden, and how far short we are of that number today? At Rushden, there is meant to be a complement of about 15 retained firefighters but the station is currently running with about seven. Recently, the second pump at Rushden was not manned for 14 days and nights due to the lack of retained firefighters.

Retained firefighters do a hugely important job, and their efforts must be noted, but if there is no guarantee that they can turn out, a full-time professional team is surely needed in the interests of community safety. Unfortunately, that is not how the previous administration at the county council saw things. It proposed to cut the number of full-time, professional firefighters from 14 to eight, who would operate one watch only—from 9 to 5, Monday to Friday. In the evenings and at weekends, the people of Rushden, Higham Ferrers, Irchester and east Northamptonshire were to rely on part-time, retained firefighters to man the first pump, but, as we know, the retained firefighter system does not guarantee that a pump will turn out.

What would happen if the recent situation in which there was no retained pump for 14 days and nights were to occur under the new proposals? A pump would have to be called out from a neighbouring fire station such as Wellingborough, which would increase the time it took for the fire engine to reach the incident. What if that fire engine were already being used? If there were no other pump in the area to respond at that time, the people affected would have to wait until one became free, but when a house is on fire, or there has been a serious road accident, time counts. Time can be the difference between a minor house fire or a major one. Time can be the difference between living or dying. One reason given as to why the Government are pushing through the regionalisation of control centres is to reduce response times so that fire engines can respond to incidents more promptly. It would certainly seem at odds with that that the previous Labour Administration's proposal would almost certainly increase incident response times. I am sure that the Minister will respond to this obvious anomaly later in the debate.

Much has been made of risk assessment and prevention as reasons to cut fire cover in Rushden. Yes, we need smoke detectors, but we need both prevention and reaction. We cannot have one without the other. Smoke detectors cannot put a fire out or cut someone out of a car when there has been a road traffic accident. Does the Minister think that road traffic accidents, arson attacks and house fires will decrease when we have more houses? I suggest that they will increase.

The proposals would give the people of Rushden a guaranteed turnout between 9 and 5 on weekdays, but no such guarantee at any other time. That simply is not good enough. Calls for fire engines in the area have doubled since 1995. In that year, there were 10 road traffic accidents and 17 property fires. In the first nine months of this year, there were 42 road traffic accidents and 51 property fires.

The main driver for the proposals was to save money—about £300,000 a year. To save money at the risk of losing lives does not sound right to me. Surely the county council could have looked for savings elsewhere rather than through cutting front-line services. Let me give hon. Members one example: the county council operates a spin department of over 15 people, which costs more than £500,000 a year. Yes, 15 spin doctors cost £500,000 a year. If I were to ask the people of Rushden whether they wanted fewer firefighters or fewer spin doctors, I know the answer I would get.

That, unfortunately, is a symptom of Labour administration. There is more and more spin, not enough listening, and a cut in core public services. After the 2001 general election, Mr. Taylor, I felt that many politicians of all parties had become arrogant and out of touch. We are more than happy to preach to people, but we are not prepared to listen. I founded the Listening to Wellingborough and Rushden campaign, which aimed to seek the views of local people, groups and organisations and then campaign on their behalf for change. I listened to local people at every opportunity through surveys, attending public meetings, visiting residents and them coming to me. People were crying out for someone to listen to their views and concerns, and then to do something about them. It pays to listen to the views and concerns of the people whom we represent on how we can improve their local services—the services that they pay their taxes for and for which, rightly, they expect something in return. While tax continues to rise, people do not expect their services to be reduced, especially those services that are in the business of saving lives. That is what the debate is really about. It is about a fire service, which if cut as the Administration had proposed to do, would put lives at risk.

In October 2002, as part of my listening campaign, I went to listen to firefighters on the picket line at Wellingborough, which is the neighbouring fire station to Rushden. I learned from talking to them that, although the firefighters believed that the Government have been economical with the truth, they also felt that the Fire Brigades Union was not being frank with me. I would not have known that had I not gone to listen to them. Although I do not agree with strikes, I knew that those firefighters were heroes before the strike and would be heroes after the strike, and I owed it to them, as local heroes, to listen to their views. Therefore it was as a co-ordinator of the Listening to Wellingborough and Rushden campaign that I found out about the proposals to reduce the fire cover at Rushden fire station.

In August 2004, I went to see the firefighters about the issue and was horrified to learn about the proposed cut. Overnight, we produced 15,000 leaflets that informed local people of the proposed changes. Ten thousand of those were delivered by local firefighters and their families; the remainder were distributed by Conservative activists, who all pulled together to ensure that the residents were made aware of what was happening to their fire service. People who had never previously been involved in politics helped us to ensure that the message got out.

I passed the information that we received up through the shadow Cabinet, so that it was aware of what was happening. I had discussions with the Leader of the Opposition and received his support. In October 2004, I was able to present the petition we raised to the leader of the Conservative party. The local firefighters organised their own petition and set up street stalls, and the listening campaign also supported those efforts. We sent the petition to the county council to inform it of the huge depth of feeling among people who did not want to see their fire service reduced. We produced and delivered a newsletter to all homes in Rushden and Higham Ferrers that explained what the listening campaign had been doing on their behalf.

That was direct democracy at work—asking the people for their views and feeding that information back to those who made the decisions. The county council took a different view, however. It put out a glossy propaganda sheet that, in keeping true to the nature of spin, dealt with everything except the real issue. That was the county council's form of consultation with the public. Yes, it organised a public meeting but in a different town—it was not held in Rushden. Therefore the listening campaign organised its own meeting. People in the town came along—it was an opportunity for firefighters, local councillors, cabinet members of the county council, and the chief fire officer and his team to get together to discuss the issue. But that did not work.

The Labour county councillors took the proposals to the full council meeting in March. Every Labour member voted for the cuts, while every Conservative

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member opposed them. The cuts went through; after that we were into the general and local government election period. Rushden fire service became a key issue in both elections, and it was during that time that democracy was really at work. The issue was debated thoroughly in the media and in leaflets. At the beginning of the campaign, the Conservative party chairman, my hon. Friend the Member for Woodspring (Dr. Fox), visited Rushden firefighters. He took the information that he had found out back to inform the shadow Cabinet, and suggested that the Leader of the Opposition visit the town to see for himself what a devastating effect the cut would have.

During the general election, both the Leader of the Opposition and the Prime Minister visited Rushden. However, while the Prime Minister did not leave the confines of a local leisure centre, the Leader of the Opposition went and met the people of Rushden. He talked to them on the high street, and he specifically set time aside for a meeting with Rushden firefighters. When it came to the election, democracy proved to work. Overwhelmingly, the towns that were affected by the cuts to Rushden fire service moved towards the Conservatives. We gained two county council seats in Rushden, so we now hold all three. The Conservatives gained a county council in Irchester, and held the seat in Rushden.

What I have described is a demonstration of democracy in action at its very best. We had an issue, we had the arguments, we had the debate, and ultimately, the people decided what they wanted, and they voted for it. David took on Goliath and won. It shows that, in this day and age, people can still change things, peacefully, democratically, by working together. I doubt whether there has ever been a time before where firefighters, the Fire Brigades Union, the Tory party and uncommitted people have worked together to change something. That restores my faith in democracy and shows what can still be done.

There is now a new Conservative administration at county hall, very ably led by councillor Jim Harker. Conservatives on the county council have honoured their commitment, which was made before the election. There has been no cut to the service at Rushden fire station, and the new administration has set up a review, so that the decisions about the safety of our community can be properly made. The review is being led by Councillor Liz Tavener, who is the cabinet member for public protection, and a scrutiny sub-committee has been set up to review Labour's cuts, led by one of the new county councillors for Rushden, Councillor Andy Mercer. He played an important part in the listening campaign, and was part of the debate, and has turned out to be an excellent representative for the local community.

I should like to hear the Minister's views, particularly on the matters that I have raised about the future of the Rushden fire service and east Northamptonshire. In addition, I should like him to comment on the fact that we still have an opportunity in this democracy to change something that the establishment did not want to happen. That shows our commitment to improving core public services through democracy, rather than focusing on spin and propaganda. Our win, both in the general election in Wellingborough and at the county council, is an example of a triumph for democracy and action. That is what I fear that this Government try to stifle. It was not the Conservative party that was proved right over the issue at the election; it was the people of Rushden who, given the chance to say what they wanted for their families and their lives, were proved right in the end.

12.48 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): May I say how pleased I am to see you in the Chair this afternoon, Mr. Taylor? I congratulate the hon. Member for Wellingborough (Mr. Bone) on securing this important debate, and allowing me to help him to highlight the excellent job that our fire and rescue services do, day in and day out. He has raised his concerns about the issue of protection for Rushden.

I hope that all hon. Members would welcome the integrated risk management plan approach of the fire and rescue services, because it is designed to respond to the needs of all their constituents and their local communities. It is not Government diktat. During the summer recess, I had the opportunity to visit a number of fire and rescue services across the country, including some in the east midlands last week. Such visits have given me the opportunity to see at first hand the excellent work that is going on locally. I shall try to respond to all of the points that the hon. Gentleman raised.

Let me be clear: the overriding objective of the fire and rescue service is to save lives The Government have set ambitious targets to drive down accidental fire deaths and injuries. The Office of the Deputy Prime Minister's public service agreement target is to reduce the number of accidental fire-related deaths in the home by 20 per cent. by 31 March 2010, and deliberate fires by 10 per cent. by the same date. That includes a floor target that no local fire and rescue authority will have a fatality rate from accidental fires in the home of more than 1.25 times the national average by 2010.

The Government have been criticised for setting targets that have been described as too modest. There are those who say that we should have zero tolerance of fire deaths, and I accept that principle. However, we are dealing with the real world, and have set targets that we believe are practical to achieve and will assist fire authorities; then we can move on. We have put in place the framework to enable us to do all that we can to achieve the targets, and that seems to be working. Accidental dwelling fire deaths were down by over 20 per cent. in 2004. However, anybody who has been involved with the fire service over the years knows how volatile fire statistics can be. Until we can see the results replicated over several years, we will not be able to demonstrate that we have a trend.

The Fire and Rescue Services Act 2004 has put prevention at the heart of the Government's agenda for improving the fire and rescue service, creating a new duty to promote fire safety. The Government are reforming general fire safety legislation, ensuring that responsibility for safety in non-domestic premises will rest with the person responsible for those premises through the regulatory reform order.

The fire and rescue national framework sets out the Government's priorities and objectives for the fire and rescue service and what authorities should do to achieve them. It provides clear strategic direction from Government while ensuring that authorities are free to make local decisions. To make a difference, as the hon. Gentleman said, the service needs to move towards a culture of effective prevention, alongside its already excellent 999 response—and that is exactly what is happening. The move away from prescriptive national standards to locally designed integrated risk management plans is determining that.

The Government have put the framework in place and we are supporting it through substantial funding for the service. In 2005–06, fire and rescue authorities received an average 3.7 per cent. increase in grant, and no authority received an increase of less than 2.5 per cent. The Government are also investing heavily in a new national network of regional control centres called FiReControl. This morning I laid before the House a statement detailing the locations of those centres, including the last one for the south-east region. We will provide for a new system called Firelink, and the new dimension programme, also mentioned by the hon. Gentleman, has seen us commit an additional £188 million for mass decontamination, urban search and rescue, and high volume pumping equipment in order to improve the capability of the fire and rescue service to respond to major disasters including terrorist incidents. We have made contributions to every fire authority to ensure that that happens.

Fire and rescue authorities have generally responded well to the challenge presented by the introduction of IRMPs, and have achieved much in a short space of time. That introduction has given senior fire and rescue service managers the flexibility to make decisions about fire cover based on existing and potential risks to their communities, within a strategic framework set by locally elected members. They have long sought that freedom, and they are starting to make the most of it. All fire and rescue authorities are shifting the emphasis from reaction to prevention and, in the process, freeing resources to direct towards community safety activity.

We have heard the hon. Gentleman's views on the future of the fire and rescue service, on the number of firefighters on the retained duty system in Northamptonshire, and on new housing, which I come to now. It is for local fire and rescue authorities to take account of current and future risks to their communities as part of their IRMP. Those plans should also set out ways in which the authority will work in partnership with its neighbours to address the risks that have been identified. We are reviewing the ODPM's funding mechanism for local services to help to ensure that funding allocations for major services and infrastructure are provided alongside growth.

As part of the three-year settlement process, the ODPM intends to use forward-looking population data, which will benefit authorities that are experiencing significant levels of growth. Indeed, another consultation paper on the distribution of formula grants, which covers this and other issues, was launched in July and finished only yesterday, so this matter is clearly under review, as the hon. Gentleman requested. The Government currently have no specific plans for the future of the fire and rescue service in Rushden or Northamptonshire. We set out our expectations of all fire and rescue authorities in the national framework, and authorities set out plans to tackle effectively existing and potential risks to their communities in their local IRMPs.

The hon. Gentleman also asked about the number of firefighters on the retained duty system in Northamptonshire. My information is that there are 237. That is 16 more than five years ago, but coincidentally exactly the same number as 10 years ago. If the hon. Gentleman requests further information, I will be very happy to write to him.

The hon. Gentleman also asked about 24-hour turnout. The station in Rushden will still have 24-hour cover. Day crewing will be retained through the night. The Government have put in place a comprehensive and robust framework that will ensure that our fire and rescue services are fit to meet the challenges of the future. That includes locally determined IRMPs that best meet the risks that our local communities face and that offer safety and value for money to local people, and a national network of regional fire and rescue control centres that will increase resilience, cut response times and provide more effective fall-back. Arson reduction strategies are in place, as are youth intervention programmes, home safety fire checks, smoke detector installations, and much more. All will contribute to increasing public and firefighter safety and to creating fire and rescue services that save more lives, including in Rushden and the rest of Northamptonshire.

I am fully confident that the consultation carried out by the local fire and rescue service, as provided by the chief fire officer and approved as recently as this year, will be fit for its task and will protect local people. I agree entirely with the hon. Gentleman's conclusion that democracy will prevail. I should point out that we have just won a general election and that the British public have decided, but we have withdrawn from dictating to local fire authorities the complexion of their local cover.

No size fits all. We have moved away from protecting buildings to protecting people. Our joint ambition is to support the fire and rescue service and to cut deaths and injuries. We are confident that that is what is happening, and we are hopeful that we can drive down the number of deaths and injuries. I am very grateful for the opportunity provided by the hon. Gentleman to put my points on the record today.

Corporate Social Responsibility

12.58 pm

Sarah McCarthy-Fry (Portsmouth, North) (Lab): I am grateful for the opportunity to bring to the attention of hon. Members and the Minister the very important issue of corporate social responsibility. In the short time available to me, I shall set out the old narrow view of the responsibilities of company directors, how things have moved on in the 21st century, and why it makes good business sense for organisations not only to accept corporate social responsibility, but to embrace it and make it central to all their strategic decision making. I shall also set out where Government can help to bring all that about.

Historically, the legal responsibility of the directors of a company has been to maximise shareholder value, either by a return in the form of a dividend or by capital growth, or by a combination of the two. However, it can be argued that that is a very narrow view and that there is a moral and legal responsibility to consider the interests of employees, the local social and environmental impact of doing business, and the impact of company operations on the economy of the whole country and, indeed, globally. The Government are committed to promoting responsible business behaviour as a key part of their sustainable development strategy, which involves both the public and private sectors.

Corporate responsibility can encompass many things. At the moment, it typically encompasses community involvement in the form of charitable gifts, community investment, commercial initiatives in the community or even just allowing employees to take time off to take part in community volunteering projects. However, it also involves looking at the benefits to the wider community and the environment of a company's day-to-day business operations, job creation, investment in a region, the taxes that are paid, the goods and services that are provided and general wealth creation in our economy. Increasingly, corporate responsibility is about responsibilities to the whole value chain. Where, for example, are raw materials being sourced? To whom are goods and services being sold?

Organisations are moving on from being solely responsible to their shareholders to being responsible to a wider group of stakeholders. Who are a business's stakeholders? It could be those who can influence or who are affected by an organisation's activities, such as investors or the wider community. It could be those who have an explicit or implied contract with the organisation, such as employees, customers or suppliers. It could be those who possess the information, resources or expertise that an organisation needs to formulate and implement its strategy, such as City analysts and even politicians such as ourselves. We can therefore define company responsibility as a business's positive impact on society and the environment as a result of its operations, its products or services and its interaction with key stakeholders, such as employees, customers, investors, communities and suppliers.

We might ask why businesses should sign up to such an approach. What is in it for them? Increasingly, corporate value is measured against non-tangible as well as tangible assets. What is a company's brand or reputation worth? How quickly can its reputation be lost if the company is seen to be adversely affecting its local environment or ruthlessly exploiting child labour overseas? Let us take the example of diversity. Consider the spending power of people from ethnic minorities, people with disabilities or people from single-parent households. Consider also how a company will attract and retain the best talent. Some 12 per cent. of all new graduates are from ethnic minorities. Surely, that is a reason for organisations to consider their policies on diversity.

The same is true of the environment. Of course, there are legal obligations with which to comply, but in today's competitive world, with diminishing natural resources and the cost of waste disposal rising, it surely makes sound business sense to consider using recycled packaging and pursuing greater energy efficiency.

Consumers and investors are also becoming much more discriminating. The Government are trying to encourage savings and investment, and more people than ever will be looking at self-invested pension plans and personal pension plans, while all new babies will now have a child trust fund. Parents will be looking for a suitable investment for that fund and for many of them, financial return will not be the only criterion. People have choices and they are exercising them by looking at the ethical background of investment opportunities. That is true not only of investors but employees. According to a survey by Environics, three in five people want to work for a company whose values are consistent with their own.

Fairtrade certification mainly covers coffee, chocolate and bananas. Brand recognition of Fairtrade is growing, and more than one third of the population now recognises the Fairtrade mark. I know that from my own observations because, for the past few years, I have been going out during Fairtrade fortnight offering free samples of Fairtrade chocolate. In the beginning, people were very suspicious and thought that it would taste different. However, in the last year I went out, many people said, "Oh yes, we already buy Fairtrade" or "Yes, we recognise it." That is borne out by the Fairtrade sales figures. Since 2001, overall sales of Fairtrade certified products have grown by 83 per cent., and the estimated UK retail value of those sales is more than £140 million. More and more products are gaining Fairtrade certification, and we can now buy Fairtrade wine and even Fairtrade flowers.

A new generation of citizens is learning about sustainable development and the environmental impact of business as part of the national curriculum at key stage 2. That will colour their decisions in the future as adult consumers, investors and citizens. The recent scandals in corporate governance and a raised awareness of environmental and social issues may have led to some loss of trust between business and the general public, and businesses need to work hard to regain that trust. People need a way to measure and compare the environmental and social performance of companies.

Many leading businesses have recognised that and now produce an array of corporate responsibility reports. However, many companies, known as the laggards, just pay lip service to the idea, and that makes it difficult for the general public to distinguish between a company that reacts to issues or crises as they arise and

a company that puts corporate social responsibility at its core, involving it in all business decisions. We must also consider the organisations that do not rely on a well known brand. How do we ensure that they take on the wider interests of stakeholders, not just shareholders?

It will take time for consumer power to create a significant impact. Currently, ethical consumers represent only about 5 per cent. of the population on an active basis, although that proportion is growing. What are we to do until critical mass is reached in that respect? My view is that the issue is too important to be made voluntary. Some regulation is needed. Health and safety is considered too important to be left to a voluntary code. It is a statutory responsibility. Corporate responsibility is too important to be left to a voluntary code.

There are wide implications to the term stakeholders. We are all, after all, stakeholders in the planet. Climate change threatens us all. Whether or not the recent increased hurricane activity can be directly linked to global warming, it had a devastating effect on the people of New Orleans, and climate change will affect us all in that way if we do not take action soon. As we exhaust our natural resources, it makes sense to conserve what we have for the long term, and not to exploit it for short-term gain.

We all recognise the importance of sustainable development, but do we all recognise the actions that we need to take to achieve it? Most of us have signed up to the Make Poverty History campaign, but do we know which companies continue to exploit workers in the developing world, on poverty wages, in unsanitary and unsafe working conditions? Are we happy to let subsidiaries of UK firms do that, safe in the knowledge that they have no legal responsibility to tell their shareholders that they are doing so?

I am aware that the Government have tried to address those issues through the White Paper "Company Law Reform", but I do not believe that they have gone far enough. I do not think that enshrining in statute the principle of enlightened shareholder value is sufficient. Success is too narrowly defined by financial outcomes. A possible interpretation is that where a conflict occurs between public good such as environmental or employee protection, and the success of the company, members' financial interests must take precedence.

The language in the proposed measure appears a bit woolly, such as in the provision that a director must act in a way that he considers,

"in good faith, would be most likely to promote the success of the company for the benefit of its members as a whole".

The term "consider" is highly subjective and will be judged differently by different people. Also, directors need only consider members' interests.

The freedom of companies to operate must be balanced with clear responsibilities to society and the environment. I should like the company law reform Bill to include a statutory duty to affected stakeholders as well as to shareholders. Specifically, there should be a duty for directors to identify, consider, minimise and report on any negative social and environmental impacts caused by a company's activities in the UK or overseas.

Multinational corporations present distinct challenges to corporate governance, since, effectively, they co-ordinate their activities as an integrated economic network that is beyond the boundaries of an individual nation state. We need to look carefully at how to prevent UK companies from taking advantage of weaker regulatory regimes overseas, particularly in developing countries.

Finally, we must look at the reporting regime. Although the operating and financial review that is required by UK listed companies is a welcome step in the right direction, it does not go far enough, as it requires company directors to report only in the interest of the company's shareholders, and not that of affected stakeholders. If the operating and financial review were linked with a duty for company directors to report significant negative social and environmental impacts, and a legal duty to take reasonable steps to minimise those impacts, the reporting would become a management tool for the business. It becomes the building blocks of an action plan rather than just another report for the shareholders.

The first reports under the operating and financial review are due to be published next year. I should like a working party to be set up with business, the Government and other stakeholders to examine those reports, look at the commonalities and the differences and come up with a standardised benchmark for reporting. I want companies to report on their social impact and ethical behaviour in relation both to their own aims and the aims of their stakeholders. There are many examples of good practice in corporate social responsibility reporting. Let us use those companies that have been the trailblazers; let us show the rest of the business world how it can be done and how it should be done.

The Government could develop standardised performance indicators, setting out benchmarks and requirements for stakeholder dialogue and public reporting. That could be overseen and monitored by a standards board which could be established as a subsidiary of a company law and reporting commission, building on the role of the Financial Reporting Council. Let us give consumers and investors the power to make informed choices by ensuring that companies present their reports in a standardised way so that people can make meaningful comparisons.

But regulation and reform of company law are just one way in which the Government can have an impact. Government procurement presents a huge opportunity to act as a lever to encourage business along this road. The UK Government, regional development agencies, local authorities and health service trusts spend more than £17 billion a year in the form of direct contracts, grants and support to start-up businesses.

Yes, there are legal requirements that have to be met in awarding public contracts but there are still real opportunities to use sustainable procurement to drive change. We need to highlight these opportunities and actively encourage innovative practice. If these public bodies took the lead in setting minimum standards of corporate social responsibility among their suppliers it would send a clear message to the business community. It would help to create a level playing field between the social enterprises who already operate in the interests of the wider stakeholders and those companies that just pay lip service to it. Because of the impact and profile

[Sarah McCarthy-Fry]

that these public bodies have with members of the public it will also help to raise awareness among ordinary consumers.

In conclusion, if we are serious about sustainable development, corporate social and environmental responsibility needs to be at the heart of business organisation in the UK, and at the heart of UK companies' activities overseas. The impacts are far wider than just here at home. Today, I have outlined two ways in which I feel the Government can act: by reforming company law and by using the enormous purchasing power of public bodies.

It is often said that we are powerless in the face of globalisation and the power of capital. But if we do not do something about sustainable development, the power of capital will be worthless in the face of environmental and economic collapse. The Government cannot act alone; it has to be a partnership, a balance of incentive and regulation. I believe we should start by agreeing the basic premise that a company does not exist in isolation and that capital is only one of the building blocks that adds value. From there it is but a short step to acknowledging that directors should act in the interests of their affected stakeholders as well as shareholders, which in a nutshell is what corporate social responsibility is all about.

1.13 pm

The Minister for Energy (Malcolm Wicks): I congratulate my hon. Friend the Member for Portsmouth, North (Sarah McCarthy-Fry) on securing the debate on this important subject. She mentioned that her constituents were suspicious when she offered them Fairtrade chocolate. I would not be suspicious. Indeed, as I look forward to two one-and-a-half-hour debates tomorrow on energy policy in this Chamber and the Adjournment debate at 7 pm, at about 4 pm I shall be looking for my hon. Friend.

With so much debate surrounding corporate social responsibility it is important to have a clear understanding of what it is, what the Government are doing and where the future might lie. It is clear from my hon. Friend's introduction to the discussion that it is an important and complex debate, and today will certainly not be the end of it. CSR might seem difficult to define precisely but one would know if one saw it. In essence, it is about how we recognise a good company. A good company in the 21st century takes sustainable development seriously and takes responsibility for its environmental, social and economic impact. We have already referred to the sourcing of materials—timber comes to mind—and the impact on other parts of the world. The horror of child labour is another example presented to us by my hon. Friend.

CSR is, in part, about sustainable development. Given the environmental concerns that have been highlighted, that will grow in importance. It interfaces with good employment or human resource practice. The good company with a social conscience may have been ahead of the Government in terms of what we now call the work-life balance. The good company recognises that employees, including fathers, have children, and puts paternity as well as maternity leave on the agenda. It is a company such as B&Q, which has always practised non-ageist policies in recruitment and does not reject people because they are in their late fifties or sixties while saying "In no way can you get a job." It takes occupational pensions seriously; it recognises that many in the work force with grown-up children now have caring responsibilities for others. A good company, for social and also commercial reasons, will want to treat those employees seriously.

CSR covers a range of things, including some of the more traditional social projects supported by many companies, whether in the local community in a one-factory town, or nationally or internationally. The impact of Rowntree, the chocolate company, on one city over more than 100 years since the pioneering report into poverty at the turn of the 19th and 20th centuries is a case study, which also partly reminds us that such social programmes are nothing new.

We would recognise a good company with a social conscience and social responsibility when we saw it. Nevertheless it is worth rehearsing the reasons why business should practise corporate social responsibility. CSR is not only about businesses being more responsible because of the moral and ethical considerations, valuable though such things are. It also enables companies to become more efficient, more profitable and fundamentally more sustainable in the longer term. Improving UK competitiveness and raising productivity are central to our aims as a Government and at the Department of Trade and Industry.

Corporate responsibility can contribute to raising competitiveness. Many businesses have found that CSR can lead to a better reputation with customers, which will increase in the decades to come, and improve staff motivation. Most companies say that their biggest asset is their people, and it is common sense that people want to work for organisations of which they can feel proud. That is backed by strong survey evidence as well as the experience of individual companies. For example, one survey showed that 82 per cent. of employees involved in a company's social responsibility activities would recommend that company as an employer—a great testimonial. In another survey by the Chartered Institute of Personnel and Development, two out of three graduates said that a company's ethical reputation would influence their decision to apply for a job. Again, there will be a momentum behind such research findings.

Government's role is to create the right framework to encourage high standards of corporate behaviour. CSR must start with compliance with the law, and in the UK we have a strong record of regulation on a range of issues related to corporate activity including health and safety, employment terms and conditions, and environmental protection. We recognise that the regulatory framework will evolve over time to reflect changing circumstances. That represents the baseline for company behaviour. The crunch question is what companies do voluntarily to raise the performance beyond the minimum legal standards.

I appreciate that there is considerable support for more mandatory measures to ensure company accountability and, although we fully support high standards of business behaviour, we do not accept that a one-size-fits-all approach would necessarily benefit the

business community, the environment or wider society. We believe that a more targeted and carefully designed range of policy instruments should be deployed.

Our approach is therefore to provide the right policy environment that sets decent minimum standards while stimulating companies to raise their game and their performance beyond those levels. Getting the balance right is crucial: imposing new burdens on business could hurt competitiveness and stifle innovation, which many businesses are bringing to this subject.

How do we do that? One basic way in which we can help to create the right balance is by setting out clearly the standards we expect of company directors. The company law reform Bill that will be introduced later during this Session will include a statutory statement of directors' general duties. The Bill will set out for the first time how directors are expected to behave in an authoritative but accessible way.

In line with the recommendation of the independent company law review, the statutory statement will adopt an approach that the review called "enlightened shareholder value". Under this approach the basic goal for directors should be the success of the company for the benefit of its shareholders. However, we believe, as the review did, that business prosperity and responsible business behaviour are two sides of the same coin. The duty will therefore go on to say that, in seeking to promote the success of the company, directors must have regard to factors such as the interests of the company's employees and the impact of the company's operations on the community and the environment. My hon. Friend discussed some of the implications of that and I am sure that the debate will continue.

That alternative approach, which my hon. Friend supports, would enable or require company boards to override the interests of shareholders where they considered that this would satisfy broader ethical or social considerations. That is the point that the debate has reached. I believe that there are two important reasons why it would not be the best way forward. An extremely pluralist approach—as some call it—would muddy the waters unhelpfully: directors would lack clarity about what they were meant to be doing, and it would in practice be more difficult for anyone to hold directors to account. For example, what should directors do if environmental and employee interests point in different directions? Directors could be put in a difficult, even an impossible position, and all of the company's stakeholders, including shareholders would be impotent to challenge their decisions.

We believe that the most effective way to promote responsible business behaviour is to show how such behaviour leads to business and commercial success. If we are not able to do this, there is little prospect of achieving high standards of business behaviour. That is precisely the area where both engaged shareholders and well-informed customers can and do make a difference.

As my hon. Friend knows we work closely with Business in the Community on a number of initiatives, including sponsorship of its awards for excellence and corporate responsibility. It will have to find a snappier name for that, I suspect. Both programmes illustrate the growth of CSR with more companies participating and the standards of performance increasing year on year.

Programmes such as Envirowise, funded by the Government, offer advice to business to help improve their resource efficiency. Savings are estimated at over £1 billion to date. As part of the world summit on sustainable development commitment on sustainable production and consumption, the Government have pledged to ensure that the £13 billion of goods and services bought every year for central civil Government are sustainable. That was the second theme of my hon. Friend's speech.

In October 2003, the Government signed up to the recommendations of the cross-government sustainable procurement group. Action so far includes ensuring that from 1 November 2003, all new Department contracts apply minimum environmental standards—such as on energy efficiency, recycled content and biodegradability—as well as value for money when purchasing certain types of product. I know that my hon. Friend is aware of that development and will welcome it. Our new goal is to be recognised as among the leaders in sustainable procurement across EU member states by 2009. Greater transparency is vital to building up trust and a reputation. The number of companies that have reported on their performance has already increased significantly over the past few years. UK companies are now among the leaders for quality and quantity in that kind of reporting. They were responsible for seven out of 10 of the top global reports in a recent survey, for example.

As part of our reform of company law, we have introduced a statutory operating and financial review—as was mentioned—which will play a key role in putting financial statements in the context of a broader discussion and analysis of the business. Following that review, companies need to report on matters such as employees, the environment, and social and community issues, where those are necessary for an understanding of their business. We hope that the review will help to improve transparency through a step change in the quality of company reporting as well as by recognising the potential for intangible and non-financial issues to have an impact on company performance.

One way to ensure that CSR is part and parcel of the way in which we do business is to ensure that the skills and competencies for responsible business practice are embedded right across companies. To help with that, the Government launched a CSR academy to help to develop individual skills and to integrate CSR, in an understanding way, into recruitment, appraisal and the professional development of employees. That is important. CSR needs to be embedded and integrated, rather than being regarded as something that one does during the last half hour of a course. Looking to the autumn, we plan to license promotion of the academy competency framework overseas and we will publish a resource on how to use the framework.

Much of the CSR debate centres on the impacts of our companies' operations and relationships overseas. I think that it is fair to say that, internationally, the UK is seen as among the leaders in CSR, both in policy and in practice. Given globalisation, the multinational nature of many of our companies, sourcing from abroad and all the things that my hon. Friend mentioned, the globalisation of CSR is vital.

[Malcolm Wicks]

I should add that as part of our presidency of the European Union, we are holding a CSR conference in December. I hope that my hon. Friend can come; I will ensure that she is invited. The conference will focus on how financial institutions can help to drive CSR by promoting and mainstreaming responsible investment.

I welcome the debate on how business can contribute to tackling the challenges that we face. We believe that business prosperity and responsible business behaviour are two sides of the same coin.

Local Strategic Partnerships

1.28 pm

John Hemming (Birmingham, Yardley) (LD): I am grateful for the opportunity to consider this issue, which is important throughout the country, particularly given the development of local area agreements and the like. A local strategic partnership, or LSP, is basically a body that brings together the local authority, a number of statutory bodies, and the voluntary and community sector in the local authority area. That is a good idea; partnership working is definitely good. In Birmingham, for instance, the national exhibition centre was established through partnership working. Getting the bodies to work together is good. In Liverpool, there is a scheme called "INclude". It operates in the Liverpool 8 area and involves various people, including those from the housing association, the council and the police, working out of the same building. They have the same problems, so they work together to solve them.

However, there are some difficulties with the way that things are happening. Many people—too many, to a certain extent—have their fingers in the pie, so the pie tends to get a little overloaded. There is also a difficulty with checks and balances. Some schemes run the risk of mild corruption and conflicts of interest, as was seen with the new deal company in Radford and Hyson Green in 2003. There are many issues related to checks and balances, and the comparative role of, say, a chief executive and elected politicians. Politicians are accountable to the electors and are therefore interested in the wider picture, whereas people representing individual organisations might have a narrower perspective linked to that organisation. It is a challenge to try to bring that together.

One difficulty in that area is with targets. Everyone goes on about targets, and one must accept that we need a mechanism for measuring things. However, there is an obsessive approach to targets from Government offices for the regions and from the Office of the Deputy Prime Minister. Let us consider the police. One target, particularly in many urban areas, which receive neighbourhood renewal funding and so on, is to reduce the gap between the people who do worst and best. The police in Birmingham, for instance, have done well in reducing car crime. They have reduced it by 10 per cent., but they have not closed the gap. The reason is that most car crime happens in car parks—as all the cars are concentrated in one place, there is more car crime. Unless the car park is shut down, the gap will not be closed. It is a mistake to beat the police around the head because they have not closed the gap.

Similarly, primary care trusts have a target of reducing the prevalence of smoking by 26 per cent. That is a good idea; I do not want to encourage anyone to smoke. I have never smoked; it is not a good thing to do. How do the PCTs know how many people are smoking? When a little boy goes around the back of the bike sheds to start smoking at the age of 13 or 14, does he first write to the trust to say, "I'm going to start smoking"? When we make our new year's resolutions, do we write to the trust to say, "We're going to stop smoking this year," and, having stopped smoking, to announce, "We've stopped smoking"? In reality, it is difficult to quantify certain information.

There is another challenge. Someone who runs a project dealing with hard-to-reach youths who come in off the street out of gangs complained to me recently. It is a success to get such youths into a project, but that is not taken into account. It is unfair and unrealistic to beat people around the head because they have not managed the same objectives and targets as one might manage in a leafy suburb of the city. The Office of the Deputy Prime Minister does not distinguish between targets that can be effected by agencies and other targets.

Unemployment is an important issue, but one cannot expect the local strategic partnership to be responsible for the global economy. If we are to have such targets, they must take into account the health, well-being and quality of life of the community, and the economy. Specific targets should relate to relevant agencies, and they should be part of their own operational plans and hence part of the LSP annual plan. It is unfair to blame the LSP for tornadoes or for companies going bust. The ways things are going the Government would blame the LSP if Martians invaded.

A further problem is that Government offices for the regions and the ODPM look for direct cause and effect between the spend of relatively small sums of money and major targets. Another difficulty is that the analysis of targets falls into arrears. We are battered around the head about the status of council housing, when the evidence shows that it is moving forward in Birmingham. I know that there is pressure from the Government to get rid of council housing and that therefore if the housing is owned by a registered social landlord it does not fall within the LSP figures and the LSP does not get battered around the head.

There is another problem with targets. There is no target for having public toilets. The pressure is on local authorities from the Government to close down public toilets. During the past five years, since the Audit Commission decided that it was not important whether areas had public toilets, we have seen something like a 20 per cent. drop in their number throughout the country. The hardest aspect of a project is that some will have an effect on crime and liveability. The effect is difficult to quantify, such that it ticks the boxes when the project goes back to the ODPM.

The critical path analysis is another problem. It takes a certain amount of time for things to happen. Home-start, which is a perfect scheme in my constituency, supporting families with young children, is in difficulties because it does not know what is happening to its funding next year. No decisions have been taken, because everyone is interfering.

In Birmingham we operate a scheme in which a lot of funding is devolved to the wards. Our wards are big: they have about 25,000 people in them, including the kiddies. We also involve the local community. I am sure that the hon. Member for Birmingham, Hall Green (Steve McCabe) is aware that we have ward advisory boards. The police and the primary care trust also consider things. However, the pressure from the Government is to stop that, to move away from it and to centralise. That would take away the local allocation of schemes.

At the same time, the Government report, "Making it Happen in Neighbourhoods: The National Strategy for Neighbourhood Renewal Four Years On", which came out in January and which has the product code 04NRU02643, should people want to find it, states:

> "The strategy places great emphasis on involving communities. A problem with previous approaches was a lack of involvement of local people. The strategy wants to change this by getting local people to be involved in making decisions. It also aims to encourage agencies to consult residents thoroughly on what services they need and how they can be delivered in the most effective, accessible ways...We have learned that while a framework or model like neighbourhood management may help, different areas will need to find their own solutions. The challenges of deprivation are wide-ranging, varying from place to place. So are the solutions. Only locally appropriate neighbourhood renewal is likely to be effective. The delivery arrangements we have put in place are flexible and continue to develop. But at their best they are all about facilitation—enabling rather than controlling regeneration ... The move to super output areas will enable more precise targeting—nationally, regionally and locally...This multiple deprivation information is now being used by neighbourhood renewal partnerships up and down the country. They are making sure that their local plans and activities are really focused on neighbourhoods and types of problems that need most attention."

We are doing that in Birmingham, but we are getting pressure to change, and to reduce the proportion of the spend that goes through the ward and district structure and to centralise more of it.

What happens nationally with funding and the generation of various non-jobs and odd schemes? In 2004, Manchester funded a thing called CowParade, which was part-funded by neighbourhood renewal funding. Let us not be critical about statues of cows dotted around a city for about a month. The project raised some money for charity and so on, but is that really the sort of thing that should have funding from neighbourhood renewal funding, given all the constraints, floor targets and everything else? I do not mind Manchester doing that. It was Manchester's decision—there is no problem—but it is unfair to bat the city of Birmingham around the head for doing what the Government recommend in their reports, and for civil servants to tell the city to do something else.

For instance, when I became chairman of the local strategic partnership in 2004, I sat down with the regional director of the Government office for the west midlands, and we identified a few problems and worked out a solution that involved setting up a project board, or sub-committee, of the strategic partnership. But the Government said, "No, you can't do that. You must have consultants." I know that the Government have to spend a lot of money on consultants; otherwise, they will not hit their target of about 1p on income tax for consultants. They must use consultants whenever possible. Therefore, we had to have a neighbourhood renewal adviser. A nice bloke came along, talked to everybody, looked at the issues and suggested that we do what we had intended to do in the first instance. A year later, after Government involvement delayed us from doing things, we have finally done them.

In the meantime, we have had a problem getting responses from the Government. We send e-mails but do not get a response—it is very difficult. In essence, Government involvement in the process prevents partnership working. It drives the agenda of the local

[John Hemming]

strategic partnership down narrow routes, making it difficult to get out of the box and focus on generating local partnership working.

There are tensions between the Government-funded community empowerment network and Birmingham residents associations, and between systems of neighbourhood management and devolved government, which we have been establishing in the city. It is definitely a good idea to use commissioning rather than a bidding system. That is entirely valid, but there is always something nagging away in the background. It is a bit like a gangster coming around to one's shop and saying, "Oh, those are nice windows. Don't you want some insurance?" The civil servants say, "We haven't signed the money off yet. If you don't do this, you might not get your money."

It is very simple, really. We need some straightforward things from the Government: first, less interference, and, secondly, an understanding of the importance of timeliness. Birmingham is a big city, and changes cause chaos all over the place unless people are given time to adjust. Thirdly, we need straight answers to straight questions. The Government should tell us if something is or is not acceptable.

Steve McCabe (Birmingham, Hall Green) (Lab): I am interested in the hon. Gentleman's attack on the Government, but I would like to put a question to him. He acknowledged that he is the chairman of the strategic partnership, which recently had a poor rating from the independent reviewer. As MP for part of Birmingham, a local councillor and self-proclaimed candidate for love rat of the year, does he not think that he may already have too much on his plate? If, as intended, some of that stuff was left to local people rather than to the hon. Gentleman, with his desire to do all those jobs, we might get a better deal from the strategic partnership.

John Hemming: I thank the hon. Gentleman for that helpful contribution.

The question is whether there is merit in Members of Parliament being involved in the process. I believe that there is. The hon. Member for Hartlepool (Mr. Wright) is chairman of the Hartlepool local strategic partnership. Another Labour MP is being interviewed on Friday for the post of chairman of his local strategic partnership, but it would be unfair to identify him and I do not have his permission to do so. It is sensible for the local authority executive to decide who should chair the local strategic partnership. If the Government were to say that they would take the money from me if I continued to chair it, I should fall on my sword tomorrow. It would not be a problem. Critically, it is a matter of getting better services for the city of Birmingham.

The Government should give us straight answers to straight questions, and they should do so in a timely manner. Frankly, if the private sector was run in the same way as the Government run the public sector, it would go bust.

1.40 pm

The Minister for Local Government (Mr. Phil Woolas): May I say, Sir Nicholas, what a pleasure it is to respond to this debate under your chairmanship? This is the first time that I will have done so in my new role.

I congratulate the hon. Member for Birmingham, Yardley (John Hemming) on securing the debate; the subject is clearly important him, his constituents and the wider population of Birmingham. I shall attempt to answer his questions.

I shall start by putting the Government's policy on local strategic partnerships and local area agreements into context. The local strategic partnerships are playing an increasingly important role in providing leadership in their localities and in securing sustained improvements to the quality of local services. Evidence shows that they are making a positive difference to the delivery of services in many areas.

A key element of that new enhanced role is that LSPs are the engine room for developing local area agreements. The LAAs provide what the hon. Gentleman seeks; they allow greater flexibility for the delivery of local public services with greater devolution, and they give local authorities and their partners the ability to deliver. They also allow greater flexibility in the use of funding streams. Most of all, they ensure that the various organisations in health and education, the local authorities, the police, the private sector and, commonly, the voluntary and community sectors share the objectives. If the objective in an area is to reduce crime, how much better it will be to involve the youth services, the local education authority, the primary care trust and the police in achieving those aims.

If the hon. Gentleman is sceptical about my words, I shall pray in aid Sir John Egan, who emphasised the role of LSPs in his review "Skills for Sustainable Communities". The document stated that LSPs

"need to work together to create both shared values and a sense of responsibility for making delivery of sustainable communities a reality in their area."

The Government have a strategy for neighbourhood renewal. From 2001 to 2006, resources are being made available through the neighbourhood renewal fund—the NRF—for the delivery of LSPs in 88 of the most deprived local authority areas, which includes Birmingham. Indeed, as I shall show, Birmingham is the largest recipient of such funding.

The purpose of the NRF is to provide support to local authorities in England's most deprived districts to enable them, in co-operation with their LSPs, to improve services in their most deprived areas. I am sorry to introduce another acronym, Sir Nicholas, because I know your natural hostility to them, but let me explain the importance of super output areas—SOAs. We can now identify at sub-ward level the most deprived areas, so that we can target our efforts. Even in prosperous areas such as Cheshire, to pick one at random, there are, as you know, pockets of deprivation. We therefore want to target our funding, and SOAs allow us to do so.

Within NRF areas, there are floor targets. I think that the hon. Member for Birmingham, Yardley has confused what a floor target is. He shakes his head, but I have not given the explanation yet. I hope that he will bear with me until I do; if he then wants to disagree, he is free to do so. The achievement of Government floor targets is part of the purpose of the NRF. As he said, the local target is to narrow the gap between deprived areas and the rest of the country. The challenge is a big one: not only to improve the situation in the relevant areas, but to narrow the gap with more prosperous areas.

Logically, there are two ways of doing that. The first is the Conservative approach, which is to make the richer areas poorer. That is one way of narrowing the gap. The problem with that approach was that the poorer areas became even poorer, so the gap remained.

Our approach is that all boats should rise with the tide, but the lower areas—the worse-off areas—should rise faster. We recognise that that is a challenge. Where I disagree with the hon. Gentleman is on his claim that the Government punish areas that do not meet their floor targets. In fact, the major criticism of the neighbourhood funding system is that it punishes successful areas, because the identification of an NRF area is based on its deprivation. As an area comes out of deprivation, in part because of the success of the neighbourhood renewal strategy, the funding that central Government make available is withdrawn. Because we are a benevolent Government, that withdrawal is on a transitional basis, but funding is nevertheless withdrawn. I was lobbied and am being lobbied intensively by Members of Parliament representing areas that have lost their neighbourhood renewal funding. I say to them that that is because those areas have succeeded.

John Hemming: Without going into the minutiae of the different floor targets, I want to raise this point. It was not made by the independent inspector, but the judgment has been that Birmingham has not done so well on worklessness, for instance, so the funds have not been finally signed off as yet.

Mr. Woolas: I thank the hon. Gentleman for making that point, which I shall answer directly, but just to finish my point, far from bashing Birmingham around the head, as he described the situation, Birmingham's allocation for 2006–07 is £32.3 million. Many MPs would welcome such an allocation of resources. The proposed allocation for 2007–08 is £37.6 million. That is up from £22 million, and there is an additional resource of £4.8 million through the safer and stronger communities fund.

The hon. Gentleman says that those are only indicative announcements. They are indeed indicative, as is the revenue support grant announcement, which is made every November. It is indicative because it involves taxpayers' money; it is not my money or my right hon. Friend the Deputy Prime Minister's money. In return for taxpayers' money to address some of the inequalities, the Government reasonably ask that the LSPs provide evidence, under their devolved powers, to show that the money will be used to meet the floor targets.

I shall outline more details for the record and for the benefit of the hon. Gentleman who secured the debate. An LSP, which must be accredited by Ministers, must be in place in order for neighbourhood fund money to be received. The grant is paid directly to the local authority, which is the accountable body, for the expenditure, but the expenditure must be agreed by the LSP.

The LSPs in the neighbourhood areas were formally accredited in 2002 and 2003. Since then, the ODPM's neighbourhood renewal unit has replaced annual accreditation with a performance management approach, under which the LSPs self-assess their progress towards achieving delivery of the national floor targets and the local targets that they set. In other words, the Government have further freed up the regime by asking the LSP to assess its own performance against those targets.

Birmingham's self-assessment concurred with the Government's subsequent assessment that its rating was what is called amber-red, or in head teacher language, "could do better." That was Birmingham's self-assessment, and one with which we agreed.

John Hemming: The point that I made earlier was that worklessness is not entirely within the control of the LSP, although the LSP can work on it and aim to improve employment. The amber-red rating comes, in part, from council housing and worklessness. With that as a defined methodology, we are measuring something that the LSP cannot control.

Mr. Woolas: Again, the hon. Gentleman's intervention goes to the heart of the matter. He might have a point if the Government were using the financial leverage of the neighbourhood renewal fund, or indeed any other funding mechanism, to punish an area for not narrowing the gap on worklessness or not meeting the other floor targets, which I shall go through if I have time, in the way that the hon. Gentleman described.

As I have tried to explain, however, neighbourhood renewal funding is withdrawn when the targets are met. That is the point of the scheme. It is an incentive for the population and the local economy to succeed and to meet local health, education and crime targets, but it is not true to say that the Government punish areas that do not meet those targets. The hon. Gentleman misunderstands the nature of the targets that have been set and their purpose.

John Hemming: There is a misunderstanding about the detailed mechanism. The reality is that there is a different process because certain LSPs have been deemed amber-red. In fact, a different process is in operation for signing off the finance. I am concerned about measuring people against things that they cannot control.

Mr. Woolas: The hon. Gentleman says that the Government are measuring an LSP against things that it cannot control, but the Government are in fact measuring an area by its deprivation indices, and giving funds to local agencies that can influence, albeit not wholly, those targets. The announcement in July was an indicative announcement of neighbourhood renewal fund money and applies not only to Birmingham but across the piece.

Steve McCabe: Perhaps I was being unfair to the hon. Member for Birmingham, Yardley (John Hemming) when I suggested that he sought to cover his own failures by deflecting blame elsewhere. Given that we are debating the performance of the strategic partnership, is not there an argument for an independent investigation into how the resources have been used and how that procedure is working in Birmingham compared with other parts of the country?

Mr. Woolas: I would have thought that, as a public representative, I would be obliged to answer that

[Mr. Woolas]

question in the affirmative. It is public, taxpayers' money that is used. The Audit Commission has, and does, look at the performance of LSPs in the context of the fact that the local authority is the accountable body.

Let me tell my hon. Friend what the Audit Commission found in respect of LSPs in neighbourhood renewal funding areas. It said that they

"have made significant progress in implementing performance management systems. This is a notable achievement given the complexity and sensitivity of developing performance management in a partnership context. It marks a further stage of development in the lifecycle of LSPs and demonstrates a level of organisational maturity which is reassuring given their relative youth."

If I may say so, all the evidence shows that the neighbourhood renewal strategy is delivering and is doing so because of the funding that has been made available and the partnerships that have been put together.

John Hemming: May I take this opportunity to agree with the Minister that the strategy is delivering, to a certain extent? One advantage that we have in Birmingham is that it is a sort of social science experiment, in which we do not do exactly the same thing across the whole city, and so it is possible to measure the exact results from the use of funding in certain areas.

However, I return to the point about different treatment. Although I accept the point that the finance will probably get signed off relatively quickly, there is a different categorisation for those LSPs which—in Birmingham's case through no fault of its own—end up in the amber-red category. They are treated differently in terms of the signing off of the finance from those who are amber-green or green. The point that I am making is that that categorisation is linked to something of which they are not directly in control.

Mr. Woolas: The hon. Gentleman seems to be complaining about the reality of the real world. In setting floor targets, no one is suggesting that the LSP or the local authority is responsible, or has within its powers the responsibility, for curing all the world's ills. However, I have a responsibility to the taxpayer to examine why improvements are made faster in some areas than in others. I do not want to say that improvements are not being made. In Birmingham, for example, levels of burglary fell by 16 per cent. between 2001 and 2003, compared with a 6 per cent. fall in England as a whole, and so the gap is narrowing. I do not suggest that that has happened entirely because of—

Steve McCabe: The chairman.

Mr. Woolas: Because of the chairmanship of the LSP or because of the neighbourhood renewal fund, but I believe that the evidence shows that there is a correlation, which is important.

The situation now is that the Government Office for the West Midlands assessed the Birmingham strategic partnership as amber-red overall, which confirmed, as I said, the partnership's own self-assessment.

I shall answer one specific question before my time runs out. The hon. Member for Birmingham, Yardley said that the chairmanship of the LSP is down to the local authority. The Government do not dictate the governance of LSPs; that is a matter for local decision making. I understand that in the case of Birmingham, there is a draft constitution that accepts that the local authority leader is the chair—I think that he is the deputy leader—

John Hemming: Deemed by the local authority.

Mr. Woolas: That is what I said. It is deemed by the local authority rather than the LSP. That is a matter for the local area; it is not for the Government to say. However, it is for the Government to act on behalf of the people who, through no fault of their own, were born into areas of deprivation. It is our responsibility to help them and to narrow the gap with the more prosperous areas in the country.

Question put and agreed to.

Adjourned accordingly at one minute to Two o'clock.

Westminster Hall

Wednesday 12 October 2005

[FRANK COOK *in the Chair*]

Future of the Coal Industry

Motion made, and Question proposed, That the sitting be now adjourned.—[*Claire Ward.*]

9.30 am

Mr. John Grogan (Selby) (Lab): Today, we have no fewer than four opportunities to discuss energy policy. Following this morning's debate on the coal industry—I am grateful to Mr. Speaker for selecting it—another debate in Westminster Hall this afternoon is about oil and gas. That will be followed in the House by an Opposition day debate on tackling climate change, and energy policy will doubtless feature then. Finally, for those with real stamina, we end the day with an Adjournment debate on clean coal technology.

That plethora of debates reflects the fact that energy policy is once again taking centre stage in national politics. Such is the level and nature of the supply of energy in relation to ever-increasing demand that we are coming to realise that a bad winter could result in power cuts. There is also an increasing realisation among Ministers that people will ultimately hold the Government responsible for keeping the lights on.

The Confederation of UK Coal Producers has pointed out to me that, to date, about 26 billion tonnes of coal has been mined in the United Kingdom. The blood, sweat and tears that went into mining that coal has helped shape communities and generated a culture; indeed, it helped form the political party to which I am proud to belong. Only 1 billion tonnes of economically available reserves are left, but it is worth remembering that domestic coal production last year was marginally in excess of 25 million tonnes. At the current rate of extraction, we could easily look forward to producing coal for nearly half a century more.

The central tenet of my speech, which will be relatively short to allow all hon. Members to contribute, is that although we will never see a return to "King Coal" in our economy, it is in all our interests to ensure a diverse energy supply in which clean coal continues to play a big role, and in which the critical mass of remaining pits in the UK are maintained to maximise that diversity.

I argue for the coal industry not by way of special pleading or out of sentiment but because I believe it has a key role to play in our energy policy. British coal production is inextricably linked to the fortunes of our coal-fired power stations. Indeed, virtually all domestic coal production goes to power stations. In the four years since 2001, coal's share in our electricity generation has been respectively 34 per cent., 32 per cent., 35 per cent. and 35.6 per cent.—all substantial figures.

The first principle that we need to establish in our energy policy is the importance of diversity of supply. Even if we build a new generation of nuclear power stations—I have grave doubts that the issues of waste and cost have been satisfactorily resolved—and even if we expand renewables to produce 20 per cent. of our energy requirements, between 60 and 70 per cent. of our electricity-generating capacity will still have to be accounted for, in all but the long term, by gas and coal. Without some sort of public policy intervention, that percentage is likely to be mainly gas.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): On that point, I wonder whether my hon. Friend agrees with Les King, director of technology at Mitsui Babcock, who said:

"Retrofit or new build of modern coal-fired plant which has been designed to be future-proof would allow plant operators to reduce emissions by up to 60 per cent. now. This could be achieved without increasing dependence on imported gas or on intermittent power sources such as wind and allows for fitting of carbon dioxide capture and storage when this becomes practical. The UK coal fired fleet and its infrastructure is a valuable legacy".

Does my hon. Friend agree?

Mr. Grogan: I do indeed. Mitsui Babcock is a leader in that field; I shall suggest later one or two mechanisms by which that sort of technology could be encouraged.

The current increases in gas prices could be the start of a trend. If we diversify the energy mix, including clean coal, we would improve the security of supply and decrease the risks of rapid price rises in a totally dominant energy sector destabilising the economy in the future.

Moreover, coal-fired power stations offer something that no other energy source can match: flexibility to meet demand. Coal can be stockpiled at power stations and used to provide base load, but its supply also has the capability of being turned up and down to meet peaks in demand. Electricity generated from nuclear and gas-fired power stations is not flexible enough to deal with severe fluctuations in demand during winter months. For example, during summer, about 350 GWh of electricity is produced by gas-fired plant and a little more than 250 GWh by coal-fired plant. That position is reversed come the winter, when gas remains at about 350 GWh and coal increases to 390 GWh, with a maximum provision of 420 GWh.

Having established the overriding principle of diversity, we have to make coal fit for purpose environmentally. The Minister is now the seventh holder of the position of Minister for Energy since 1997. Each of his predecessors reaffirmed the Government's commitment to invest in clean coal to produce results. Indeed, the energy White Paper makes it clear that in a low carbon economy, the future for coal must lie in cleaner coal technologies.

However, it is no longer enough just to back research. In a former life, the Minister was a distinguished academic at the university of York in my constituency. In time, I want to be able to recommend him for a honorary degree from York on the basis that he was the one of the magnificent seven Energy Ministers who, in the end, persuaded the Treasury, No. 10, the Secretary of State for Trade and Industry—whoever it was who had to be persuaded—to commit resources to invest in clean coal as opposed to only research. My hon. Friend will be aware that the £40 million funding offered in the recently published carbon abatement technology strategy, which concentrated on carbon capture and storage research—a welcome measure—is somewhat

[Mr. Grogan]

dwarfed by the $1 billion that President Bush has assigned to the FutureGen initiative. Among other things, its aim is to develop the world's first coal-based, zero-emissions electricity power plant.

If we in the United Kingdom are really serious about developing workable technologies, that ambition has to be matched at some stage by serious funding. Time does not permit me to talk about the details of clean coal technology; it may be covered by other speakers or in tonight's debate. I want instead to make a couple of suggestions about how the Minister could act to provide regulatory certainty for clean coal producers and give incentives for clean coal production.

In the short term, the quickest way for coal-fired power stations to reduce carbon dioxide emissions is to co-fire with biomass. For example, Drax Power Ltd., the owner of the largest coal-fired power station in the United Kingdom, has ambitions to increase biomass to 20 per cent. of total coal burn. To be able to sell such coal-fired electricity to suppliers under the renewables obligation, stations have first to acquire renewables obligation certificates. The Government currently cap the share of the ROC market that can be accounted for by co-firing to 25 per cent. Next year, the cap will be cut drastically to 10 per cent. The expansion of co-firing that would result from the simple action of maintaining the cap at 25 per cent. would save 2.5 million equivalent tonnes of carbon dioxide a year and maintain much more coal burn.

Will the Minister deal with an anomaly that could threaten the successful operation of phase 2 of the European Union emissions trading scheme, proposals which will have to be submitted to the European Commission by June 2006? At present, a perverse advantage is being offered to those coal-fired power stations that are not equipped with flue gas desulphurisation units. The carbon allocations distributed under phase 1 of the scheme are calculated using historical output on the basis that that provided a reliable prediction of future carbon production.

As for coal-fired power stations, the lifetime of several plants in the United Kingdom will be limited under the terms of the large combustion plant directive. However, the plants without FGD units are in receipt of the same carbon allocations as those afforded to FGD-equipped stations. The FGD stations will be put at a disadvantage even though Drax, West Burton, Cottam, Eggborough and other power stations have invested millions of pounds in the equipment. It could be a start if carbon allocations were increased at those power stations that have made an investment in cleaning up their act, as opposed to, what is in effect, rewarding them for making no such effort.

A number of the mechanisms that could be adopted as incentives for clean coal would provide some financial inducement. For example, we could mirror the renewables obligation with a clean coal technology obligation, encouraging electricity suppliers to source specified percentages of the electricity that they supply from stations fitted with both FDG and carbon abatement technologies. Alternatively, the Government could offer long-term carbon contracts to clean coal producers, perhaps under the auspices of the EU emissions trading scheme. Under that proposal, the Government would guarantee prices for the purchase of carbon allocations left unutilised by plant employing specified carbon abatement technology. That would provide a revenue stream to underpin the investment made in the equipment. Every producer would have an incentive to save carbon using clean coal technology in order to cash in on the guaranteed prices for unused carbon allocations. The Government could then sell on those unused allocations to other industrial sectors—according to studies that I have seen, they might even make a profit on the deal.

However, even if we create a future for clean coal generation, what is the future for British coal production? Of the 25.1 million tonnes produced in Britain last year, around 12.5 million tonnes came from deep-mined production with some 12 million tonnes from open-cast. The open-cast sector is still a substantial and important contributor to UK coal production, but the extent to which that continues to be true will depend on planning policy and on the outcome of various planning applications—my hon. Friends want to refer to some of those later.

Only eight deep mines are still operating: Daw Mill, Thoresby, Welbeck, Maltby, Tower, Kellingley in my constituency, Harworth and Rossington—although the last two are due to be placed in care and maintenance from next spring by their owner, UK Coal. For UK coal production to survive beyond this Parliament in a meaningful way, and for reasons of diversity and security, it is imperative that the Government top up the £60 million of investment aid. To ask for bids for the third term of the scheme when £57.53 million of the original allocation has already been allocated makes little sense; the presumption is that more money will be assigned. At Kellingley pit, to which many former Selby miners have moved, a bid for £13 million of investment aid is part of a £48 million plan to provide access to over 17 million tonnes of reserves at the site. Without that investment aid, the future of the remaining pits will be under greater threat.

I understand that the Government are considering not paying investment aid for schemes at Harworth and Rossington because the pits are to be mothballed. That is superficially an attractive idea, but it is worth remembering that no money is handed over to UK Coal until work has been completed. So long as that has been done in those cases, I fear that if the Government go down the route of claiming money back, the extra transfer of risk will mean that no private company will claim investment aid. Unless nationalisation is to be announced—I do not expect my hon. Friend the Minister to advocate that today—such reclamation of aid will only hasten the demise of UK coal production.

There is a strong case for making UK Coal more accountable in return for aid, and I would advocate transferring the administration of the investment aid scheme from the Department of Trade and Industry directly to the Coal Authority, which has a great knowledge of the industry, and which can better insist that if UK Coal claims public money for coal production it must demonstrate that it is interested in more than property development.

Germany's domestic coal industry is similar in size to that of the UK, and it has recently received approval from the European Commission for an aid package totalling €12 billion to assist it until 2010. I do not

suggest anything on such a scale, but given the sums that are going to renewables and nuclear, I think that we can afford between £30 million and £50 million in investment aid for the next five years. If announcements could be made well in advance, that would help the industry to plan.

In my view, large-scale private investment in future coal production is likely only if the generators of coal power can offer long-term contracts to the producers. That could be a quid pro quo for the Government's offering the generators the sort of long-term carbon contracts that I discussed earlier. I note that the investment aid scheme is up for review in Europe in 2006. I hope that the Government will contribute to that review, and that we can extend the scheme until 2010, as is allowed under EU rules, and consider expanding its scope.

I want to put on record my thanks to the Labour Government for all their work in regenerating former coalfield areas and helping former miners. To give but one example of what they have done, I can tell the Chamber that in Selby, just one year after closure, fewer than 60 of the 2,000 miners who were employed at the Selby mine complex are out of work. That did not happen by accident; it happened because of investment, political will and retraining. The experience in Selby was very different to that in neighbouring coalfield areas in the 1980s and 1990s.

Real partnership is possible in the industry between miners and management. For example, at Kellingley in my constituency, a determined but fair manager, Bill Tinsley, has won the respect of all the unions. Change has been achieved. Kellingley is not unique, but it provides a good template.

I ask the Government to intervene in the market with a five or 10-year plan for clean coal that gives some regulatory and price certainty to coal generators and ensures long-term coal contracts for a clean, modern coal industry. I think that we will win the case for clean coal in the forthcoming energy review, but unless the Government act quickly on investment aid, there may well be little British coal production left by then. I want the Minister to be remembered as the man who, in the interests of energy diversity, gave a kick start to clean coal, and not as the man who finally buried "King Coal".

Frank Cook (in the Chair): I think it advisable to explain the situation: the established protocol in this Chamber is to commence the first of the three Front-Bench winding-up speeches 30 minutes before the termination of the debate—in other words, at 10.30 am. We have 43 minutes left, and nine hon. Members have indicated that they wish to contribute. I appeal to them to bear in mind the time constraint, which leaves them just a little more than four minutes if they are to be fair to their colleagues. Hon. Members should bear that in mind when accepting, and responding to, interventions.

9.47 am

Paddy Tipping (Sherwood) (Lab): I am delighted to follow my hon. Friend the Member for Selby (Mr. Grogan), who said that we would have opportunities to discuss energy today. We will have future opportunities, too, what with the publication of the climate change programme review. I hope that the Minister will tell us when he will announce an energy review. The last time I heard him speak, he said that he would do so "soon"; that was a fortnight ago.

My hon. Friend the Member for Selby is quite right to say that coal has a future. During the review, the Minister will have to decide how far the Government are prepared to take a strategic approach, as opposed to the market approach that has served us well over the past 10 years. The thinking, it is clear to me, is that there should be a move towards greater intervention. The reasons are straightforward: we will not meet our target of 20 per cent. renewables by 2020. By then, there will be perhaps three nuclear stations remaining, producing 7 per cent. of our electricity, and we will be heavily dependent on gas. Some 70 per cent. of our electricity needs will be generated from gas, some 90 per cent. of which will be imported. That is a dangerous situation.

Coal will have a place in the future, provided that it is used flexibly to meet the peaks and troughs in the market. The question, as my hon. Friend the Member for Selby said, is probably whether that coal will be British coal. Let me talk about the major coal producer in the country, UK Coal. It made losses of £40 million in the first six months of this year. The Minister knows that Rossington and Harworth are to be put into care and repair. To be blunt, I think that that is closure by another name. Welbeck colliery, in the constituency of my hon. Friend the Member for Bassetlaw (John Mann), is not being managed well by UK Coal. There are real problems at that company; the Minister knows it. He met representatives from the three Nottinghamshire pits on 8 September; he heard them speak about their flexible approach and their attitude towards the coal industry, and I think that he will have been impressed by them. He will also have heard them speak about the change of managers at each of those collieries. He knows of the merger talks and the talk of takeover at UK Coal, and that is all destabilising.

The Minister needs to think carefully about what the role of the Government would be if the major producer UK Coal were to hit real financial difficulties shortly. What would be the role of the Coal Authority? Clearly, resources that are in our national interest are involved.

I should like to pursue the issue of investment aid. We have had £60 million. There are discussions with UK Coal about claims at Rossington, Harworth, Ellington and Welbeck. We should be investing for the future, not the past. I support the Minister's decisions, but he needs to reinforce with UK Coal the need for British coal. He needs to have serious discussions with the company about the way forward and with the Treasury about the bids for investment aid already in. I believe that there are bids of about £100 million, and the resources available in the Department are very small indeed. Investment in British coal will be investment in the future.

My hon. Friend the Member for Selby has spoken movingly about the need for clean coal technology. We need to get the economics and the environment right. All over the world, coal is being used more vigorously. China is opening one new power station a day; in recent years, South Africa has had an electrification rate of 80 per cent., and 90 per cent. of that is driven by coal. If we can produce new clean coal technologies, we can sell them all over the world.

[Paddy Tipping]

We have good rhetoric and a good reality on climate change, but we have to have policies to ensure that British coal remains. That means investment in the infrastructure and in clean coal technology. There is a big task ahead of us. There is a chance for discussions, and I know that the Minister will encourage us all to be involved in them.

Frank Cook (In the Chair): For the benefit of everyone in the Chamber, I should say that that contribution took just over five minutes. If everyone who spoke took as long, we would, under normal circumstances, run out of time. However, I have an announcement: in a spirit of bonhomie and co-operation, the two Opposition spokesmen have offered to confine their comments to no more than five minutes each, so there can be a slight leniency now. However, let us not go overboard.

9.53 am

Mr. Denis Murphy (Wansbeck) (Lab): I congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing this debate.

The questions that we need to address today are: will we continue to need coal for the foreseeable future; can coal be used in an environmentally acceptable way that meets our international commitments; and are the nation's coal reserves in good hands? That last question is perhaps the most important.

There is no doubt that we will continue to use relatively large quantities of coal for electricity generation for at least 20 years. There is also no doubt that under the stewardship of UK Coal not one tonne of coal burned in 20 years' time will be mined in the United Kingdom. Indeed, it is my firm belief that not one deep mine will be left in five years.

Coal can certainly meet our environmental commitments if our Government act now to ensure that a new generation of clean coal power stations is built. It is also right that we have another look, as a matter of urgency, at the nation's energy needs and at how we will guarantee that the lights remain on.

I can understand why nuclear power will be on the agenda as part of an energy review. I must be honest: I have never supported that industry; whichever way the finances are presented, it will always be the most expensive option. However, I accept that we will have to decide how we replace generating capacity.

For less than the cost of decommissioning a nuclear power station, the Government could offer sufficient financial support to encourage clean coal units to be built, which would include gasification and carbon capture. That would help us meet our international environmental commitments. It makes no sense to allow a massive national asset to be under the control of a single private company, no matter how diligent, let alone one with the record of UK Coal. It operates a disastrous one-face policy at its collieries by planning to have long periods at each of its mines where there are huge face gaps and no production. There is nothing to stop any of the remaining mines following the same route as Ellington colliery, which UK Coal closed this year after an inrush of water.

I spent 30 years working underground at Ellington. I had many disagreements with the National Coal Board and British Coal, but they provided the best equipment available at collieries such as Ellington. When I left there in 1994, it was state of the art. It had high-speed locomotives, the latest computer technology, the best coal-cutting equipment and a brand new multi-million-pound underground ventilating fan system.

When I returned for a visit in 1999, the colliery was then under the ownership of UK Coal's predecessor, RJB Mining, and it was like visiting a scrap yard. Broken and derelict machinery was lying around; much of it had been cannibalised for spare parts. I could not believe the change. Even the fan system had been sold. Access to those reserves had been lost. It will cost a lot of money to attempt to access them again, and it would be impossible to do so from the original site, which has been destroyed by UK Coal with indecent haste.

Based on Government projections, 70 per cent. of our electricity will come from gas by 2020; 90 per cent. of that will be imported. That has not happened by accident, but by a strategy that was considered desirable. We will be dependent on policy decisions made primarily in one country—Russia. We have heard the arguments: "Everything will come together", "The gas will be there" and, "The pipelines have been planned and the liquefied natural gas terminals are being built as we speak". In these distinctly politically unstable times, do we want to rely on gas for 70 per cent. of our electricity and on 90 per cent. of that being imported?

I am not sure that the British public are fully aware of what has been planned. Even if the gas is available, what will be the cost? If we had no alternative, it would be a risk that we would have to take, but we are lucky because we have an alternative. We stand on an island of coal, which has 200 years of known reserves. UK Coal is not a company to be trusted to mine them.

I do not say that lightly. Along with a number of colleagues present, I pressed the Government from 1997 to make public money available to invest in the mining industry. There were 21 pits at privatisation and now there are eight. There will be none in five years. I urge my hon. Friend the Minister to intervene to ensure that UK Coal does not sterilise any more of the nation's reserves. I would not allow it an extra penny of public money until it gives guarantees on the future. It is currently flogging its wares around the City, looking to offload its company, and with it the nation's coal reserves, to any City spiv who has a bit of spare cash.

We cannot let that happen. Only UK Government plc can save what is left of our coal reserves. I urge the Minister to act now. That would be in the public interest. The Minister should remove those reserves from the company, invest them in the Coal Authority and set up a not-for-profit company.

9.59 am

Jon Trickett (Hemsworth) (Lab): I, too, congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing this important debate. The UK coal industry's situation is perilous, and this energy review is welcome. The background is one of a 10-year decline in fuel prices, which continued until 2003. In the past two years, there has been a rapid change in the direction of gas and oil prices. We have seen what has happened this year to oil

prices, and an increase in gas prices for domestic consumers has been announced in the past month or two. Furthermore, the price of coal has increased globally. I notice, for example, that between 2002 and 2004 the price of coal increased from $34 a tonne to $78.

The situation elsewhere has been mentioned. In China, India and the United States alone, 800 new coal-fired power stations will be built in the next seven years. That will continue the drive towards an increased cost of coal, both internationally and in this country.

As we have heard, Britain will be a net importer of energy by 2020. We will be 90 per cent. dependent on gas, 70 per cent. of which will come from overseas. It will come from the middle east, the former Soviet Union and north Africa, all of which are politically and geologically unstable. We shall rely on gas pipelines that are 3,000 km long, which will tempt both earthquakes and terrorists. This country will be almost entirely dependent on gas, and I fear that we shall submit to the power of monopoly suppliers, certainly in Russia, where a single company now controls gas supply. In the United Kingdom, there is open talk among civil servants and others about the possibility of power outages because we are so close to our capacity in a severe winter.

That forms a background to the debate. It is clear to anybody who reflects on it that coal must be a key energy source in future. Key questions for the Minister, for the Government and for all of us are whether that coal will be indigenous and whether it will be deep mined or open-cast. Given that we shall be 90 per cent. dependent on fuel imports, it would be foolish to allow our coal deposits to be sterilised. I hope that the Minister will say that he regards the coal beneath the soil in Yorkshire and elsewhere throughout the country to be a precious, strategic energy asset that we shall not allow to be sterilised.

I have already said that there are two ways to take coal—by open-casting and by deep mining. The Government were elected in 1997 on a 10-point pledge to reduce mining companies' capacity to take coal by open-casting; at least to do so without the co-operation of local communities. We have a presumption against open-casting. I hope that the Government will not renege on the promises that we made to the people of the coalfield communities to ensure that there would be proper environmental protection against the ravages of open-casting. That does not mean a blanket ban on open-casting—no one ever advocated that.

Mark Williams (Ceredigion) (LD) *rose—*

Jon Trickett: I do not want to give way, because I have so little time.

Therefore the argument exists for deep mining to continue. The situation, as we have heard, is absolutely perilous. We must ask serious questions about whether UK Coal's corporate strategy of sitting on so much of what is a precious asset is in the long-term interests of the nation. Frankly, the company's corporate strategy appears to rely more on property development and its property portfolio, which is valued at about £200 million, rather than on coal. The coal production part of UK Coal's balance sheet appears to show a negative influence. That is largely because of the method of engineering and management that UK Coal has used. Coal is a precious asset that is being badly developed by the company. There are changes in the stock exchange valuation—UK Coal's share values are changing. We read in the financial press that American-based companies might be moving around UK Coal, perhaps a little like scavengers. I am not sure whether it will be in the interests of the country for UK Coal to be foreign-owned, with even less care shown for the work force and the nation's strategic resources.

All that argues for the closest scrutiny of UK Coal's corporate strategy, and perhaps for the removal of the asset of coal from the company. Certainly, if investment aid is to be given, which it must, I expect the Minister to pay the closest attention to UK Coal's corporate strategy. If he fails to be satisfied by commitments that it makes, alternative forms of ownership must be explored.

10.5 am

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing the debate, which is an important one.

I shall focus today on the current crisis. There has been a crisis in the UK deep coal mining industry since it was privatised, because it was below its critical mass when the Conservative Government privatised it. In the 1992–93 inquiry, the Select Committee on Trade and Industry identified that the industry needed at least 25 collieries to be within critical mass, but it was privatised with 21 collieries. That was well below critical mass, and the industry has been in crisis since then. As a result, the market failed, and the industry relied constantly on the Government to win finance for development. Eventually, we agreed the investment aid package. My hon. Friend referred to that package and to the fact that it is less than sufficient to be able to retain the industry.

The package is currently identified as £60 million, with an allocation of some £57 million, of which less than half has already been paid. That is insufficient to be able to finance long-term development. As a result, two Yorkshire collieries, Rossington and Harworth, which is on the border between Yorkshire and Nottinghamshire, have been put into mothballs. In Yorkshire, two collieries, Kellingley and Maltby, remain, and only six collieries remain in total. Of those six, five are in England and one is in Wales. Unless the Minister is prepared to pick up the challenge, as my hon. Friend the Member for Wansbeck (Mr. Murphy) said, the industry could go in fewer than five years.

We are faced with an enormous challenge, but one with which I believe we can deal. There are, of course, the men who work in the industry to be considered. As my hon. Friend the Member for Selby said, all the miners who were made redundant from Selby had been retrained, and most of them had been allocated to new jobs in different areas of the economy. The fact remains, however, that when Selby closed we were optimistic that many of those men would be transferred to the Hatfield colliery in the constituency of my hon. Friend the Member for Doncaster, North (Edward Miliband).

We believed that Hatfield could take the men from Selby because of its reserves, which make it a jewel in the crown. That has not happened. Indeed, Hatfield has been in mothballs for a considerable time, and I fear for its future unless a package can be put together to rescue it.

[Mr. Michael Clapham]

What is to be done? There is a need for a revised scheme. The Minister needs to call in the Coal Authority, and to talk with that authority, the unions and the management of UK Coal—and perhaps with RJB as well, because it owns Hatfield—to see what can be done to provide the necessary incentive to ensure that the industry can survive.

It is crucial that we retain the indigenous coal industry, because changes may well take place in the energy market, providing for coal to be burned cleanly, at a time when we will have no indigenous deep mines. That would be a tragedy. Our deep mines are the safest in the world. Some of them are the most productive. They face enormous challenges because of the depth at which we mine in the UK. Yet we can meet that challenge with technological superiority, and win through.

What I am talking about is important, because it is attractive to the coal mining machinery manufacturers and because of the likelihood, without a deep mine here, of their transferring the whole of their operations—some of which, I accept, have been transferred—to Australia or America.

I hope that the Minister will respond to the call to pull the four agencies together. I understand his reluctance to make large amounts of money available for the private industry, when some of that money could finish up in dividends. The way to deal with that is to bring in the Coal Authority. That could be important to the Minister in ensuring that the money that he makes available for the industry in a revised scheme would be used in a way that would ensure sustainability. I hope that the Minister will take on board the need to call the agencies together, the need for a revised scheme and the need to ensure that indigenous deep mining continues in this country.

10.11 am

John Mann (Bassetlaw) (Lab): The situation is indeed precarious. I shall repeat nothing and take no interventions, but I have a question for the Minister. Alchemy is hovering—and it is rumoured that my constituent Mr. Richard Budge is involved with the Alchemy proposals. Would the Minister regard a takeover of UK Coal by Alchemy as positive, negative or neutral for the future of the industry? The fact that UK Coal and Alchemy are in discussions seems to me a major distraction from the key decisions that are needed on security of supply for UK industry in the longer term.

That is particularly ironic given that the price of coal has increased. The irony is not just connected to the fact that the price has more than doubled in the past couple of years; in addition—and it seems to be a permanent shift—the price of shipping aggregate across the world has more than doubled. With projected demand from China for aggregates, the capacity will not change in the next five years, so the price of coal will remain high regardless of any short-term fluctuations, because of the price of shipping. That will be true particularly of coal from South Africa, China and South America.

Other hon. Members have referred to the flue gas desulphurisation in places like West Burton and Cottam in my constituency. Of course, those arrangements are only just on track; they have just started. I reopened the FGD facility West Burton a week ago last Saturday. That is new technology. If nothing else is done, a big problem at those power stations, which will require Government investment, concerns the import of coal. The rail freight infrastructure is not good enough to shift the coal from ports to power stations. That is a major, immediate problem, which will require significant investment.

I am completely in favour of our expanding our investment into freight and rail, but that is long-term investment and will be a cost to the Exchequer. It needs to be included in the calculations. A subsidy to coal would be a cheaper short-term option. The question, of course, arises whether UK Coal can even meet its current commitments with its under-price contracts to power stations. That could become a real problem come February if we have a harsh winter. On current output, never mind increased output, there could be a major problem for the Government in the immediate future.

Another issue needs to be brought into this debate. I met the chief executive officer of Bectel, one of the biggest power companies in the world, to find out why in the United States his company is investing in coal. Clean coal technology is part of the reason, but they see a much bigger gain in the hydrogen car. Surprisingly, that is also happening in China. California and China—the top end and the bottom end of the car production market—both regard the hydrogen car as the car of the immediate future. In California, Republicans and Democrats are saying that they want to see that happen by 2010. That is a political imperative, because they do not want to be reliant on oil from other countries, and an environmental one, because hydrogen is entirely clean technology.

Bectel is investing in coal because that is one of the best ways of producing hydrogen for the car of the immediate future. China is doing the same thing, although with a much cheaper lower-end car, which will soon flood the market. Are we going to miss out on that opportunity? Will Europe miss out? We must ensure that we do not go the same way as other Europeans, who have cut back and have no available coal to use for this new development, which will certainly be the future of the car industry.

Last week I met the new EU coal supremo, Jan Panek, who stated two things of interest. First, he said that 10 years ago the European Commission—the European Union—thought that coal had no future. That has changed in the past 12 months, so that now, because of security of supply and the hydrogen potential, it is regarded as a major part of the future. Secondly, although we know the rules on state aid, there is nothing to stop the Government making a commercial investment in new mines or seams in any way they choose, whether through a commercial loan, a partnership, a takeover, or all three. None of those options are outside EU rules and are, therefore, available to the Government.

To conclude, let me put it in terms of Harworth colliery. We want the state aid to continue, not least because of the energy gap for collieries such as Welbeck, but at Harworth there is a land asset straight off the A1. I want to see a new industrial development there—a spur off the A1, a new mine, housing, and an industrial park with manufacturing. I want EU regional aid, which

goes into South Yorkshire as objective 1 money that can be accessed, for a new development, incorporating a new mine for the new seam to get 25 years' worth of coal, or more. That model of coherent investment, rather than merely a taxpayer's hand-out, could apply to a number of collieries, including Rossington and Daw Mill, and allow them to expand into the coal of tomorrow.

10.18 am

Mr. David Anderson (Blaydon) (Lab): This debate is long overdue; I thank my hon. Friend the Member for Selby (Mr. Grogan) for securing it.

It is 30 years since we seriously debated energy in the House in anything like a structured way. The past debate resulted in the plan for coal. Sadly, however, that plan was consigned to the dustbin of history within five short years. The deliberate industrial sabotage of the Tory years of the 1980s and 1990s left us with an industry that is a pale shadow of that envisaged in 1975.

Some argued, with amazing short-sightedness, that the loss of our indigenous fuel supply was a price worth paying to defeat organised labour in this country. We are now entering a period when the real cost of destroying our coal industry is becoming evident in the real world.

We have been benighted by short-termism in this country. If we are serious about our energy needs, we cannot go on like this. We need to work out a genuinely sustainable, diverse energy plan for our country. We should be confident in ourselves and in our people's ability to rise to that challenge. While some developed and developing countries are producing more coal as a bulwark against soaring oil prices, we, as was said earlier, are importing twice as much coal as we produce. We are paying through the nose for oil and gas from some of the most unstable parts of the world.

We face the reality of having to reconsider reopening the nuclear option, despite the concerns of people in this country about that proposal. Let us not pretend that the nuclear option, even when it operates safely, does not contribute to global warming. The construction, decommissioning costs and processes of nuclear stations are massive contributors to the factors that produce greenhouse gases.

We also face the continuing advance of open-cast coal mining. I spoke in this House before the recess about the massive opposition to a proposed open-cast site in my constituency. That opposition has hardened over the summer months and if, as I fervently hope, we develop our coal industry again, we must not do it in a way that destroys the local environment for thousands of people, ruins some of the most beautiful country in our land, goes against the development plans in our areas and risks the lives of our families due to increased traffic. That faces us in my constituency and we will fight to stop that devastation.

Later today, Gateshead council's planning committee will discuss the proposals against the backdrop of three petitions, signed by almost 13,000 people, and 800 individual letters and formal objections from national, regional and local bodies. If there is any justice, that debate will end today. If it does not, the people in the area are committed to raising their game, and we will continue to fight those crazy proposals.

A reinvigorated coal industry must have a place alongside the drive to develop new technologies and exploit the existing ones to the fullest. That could well be the issue facing us in the next decade. I mentioned earlier the plan for coal. Fifty years before that in a report to the House entitled "Coal and Power", based on an inquiry led by David Lloyd George, the following conclusion was made:

> "Today we find ourselves in the early stages of a second industrial revolution. Whether we make the right use of this heaven sent opportunity for redeeming the mistakes of the past depends on whether we use wise methods of regulation and control."

The report concluded:

> "In all of the recommendations we have been thinking not only of the immediate and material advantages, but also of the chance to lay the foundations of a social system that shall satisfy all the aspirations of a great, intelligent and educated people."

Perhaps our ambitions are not as great as those of David Lloyd George; then again, perhaps they should be.

In conclusion, I want to mention Rossington colliery, where I worked. The truth is that unless it has changed since I left, if it is mothballed it can be forgotten about, because it will burn itself out.

10.22 am

Barbara Keeley (Worsley) (Lab): I would like briefly to address the issues raised by the development of open-cast mining which is affecting communities in my constituency, together with concerns about the public health impact of such developments, following the line set by my hon. Friend the Member for Blaydon (Mr. Anderson).

Worsley has a long association with coal mining. It started in the 14th century, but production ceased more than 30 years ago. Many large tips remain, one of which is at the Cutacre site, a substantial tip in the constituency of my right hon. Friend the Member for Bolton, West (Ruth Kelly) which is surrounded by estates in my constituency. My predecessor, Terry Lewis, and my right hon. Friend fought for a number of years to resist an application for open-cast mining at that site. However, UK Coal eventually won planning permission and open-cast operations are due to start early next year to remove the tip and to exploit the seams underneath it.

In my maiden speech I expressed many concerns about the development, particularly after considering the continuing concerns of communities affected by open-cast mining in Yorkshire and Scotland. Clearly, the occupational health effects of coal dust are well documented.

Mark Williams: Will the hon. Lady give way?

Barbara Keeley: No, I do not think that we have time.

Chronic inflammation leading to scarring of the lungs from the inhalation of coal dust is a recognised health hazard for those working in coal mining. Clearly, any jobs created in open-cast mining at the Cutacre site may be hazardous to the health of the people employed. However, I am even more concerned about the risk of respiratory conditions in children and elderly or frail people living near the site. I have read about the hazards of air pollutants caused by open-cast coal mining; early reports in the 1990s were not always conclusive about

[Barbara Keeley]

the dangers, but they definitely seemed to show that open-cast mining was associated with a small increase in the mean concentration of airborne particles measured at 10 microns or less.

The major report—which I am sure everyone is aware of—by the committee on the medical effects of air pollutants concluded that children living in open-cast communities were, on average, exposed to a small but significant amount of that particulate matter of less than 10 microns. That 1999 report did not manage to find a correlation between the extra dust in the air near open-cast sites and the overall prevalence of asthma or other respiratory illnesses. However, it did find that there was an increased number of GP consultations for respiratory, skin and eye conditions in open-cast communities. Following that it was recommended that efforts should be made to control the emission of particles from open-cast sites.

As a result of such findings it is unsurprising that communities living near open-cast mines are fearful of the health risks that face them and, in particular, their children. Reports such as the 1999 study fail fully to reassure such communities. Although the messages from research should be reassuring, there is clearly still a need for emissions from open-casts to be controlled.

That leads me on to one of the chief reasons for concern: the fact that the agencies responsible for monitoring the emissions from open-cast operations, and for considering all the potential impacts on public health in my constituency, are new to those activities. As I mentioned earlier, coal production ceased in the Worsley constituency more than 30 years ago. Of the two local authorities in my constituency, Wigan has had experience of open-cast mining quite recently; however, the Cutacre site is in Bolton, so Bolton is the planning and monitoring authority, but it has no recent experience of this type of mining activity.

When the plans of UK Coal to start operations were made clear in mid-2004, I urged the company to establish a community panel to tackle some of the many issues I felt sure would emerge. The company had agreed to a planning appeal. However, it has become clear to me that UK Coal wants to settle all planning matters before it establishes contact with the community, rather than work through the issues alongside the people who are going to be affected. That is short-sighted, and will create more issues in the long run.

It is clear that local primary care trusts need to work together on monitoring emissions of particulate matter in order to safeguard public health. However, PCTs too have little or no experience of that.

I am a sponsor of a private Member's Bill on children's food because I believe that we should do all we can to safeguard children's health by improving their nutrition. If we are concerned about the food children eat, how much more concerned should we be about the quality of the air that they breathe? The area in my constituency that will be most affected by open-cast mining is bordered by the M61 and the A6. Traffic congestion is a major issue; it is already affecting air quality. There are undoubted air quality problems caused by motor vehicle emissions; add to them the acknowledged extra emissions from dust and shale and it becomes clear that the public agencies must handle these issues well.

I would welcome suggestions from the Minister as to what assistance can be given to the planning authority and the local PCT to help them establish an appropriate regime to monitor these matters. The agencies have only months to become effective against the potential hazard to public health that will be caused by the renewal of open-cast mining.

10.28 am

Ed Balls (Normanton) (Lab): I, too, congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing the debate. I wish to contribute partly because I represent a constituency with a strong mining tradition and with miners still working in Selby, Kellingley and elsewhere, and partly because I come from an important coal-producing region: I think that a quarter of UK coal is produced in Yorkshire.

I also want to speak on behalf of all of our children in such debates on the long-term future of energy policy. I have been involved in discussions on this matter both in government before I became an MP and since then with hon. Members—most recently on Friday when my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) chaired a meeting of the Yorkshire coal taskforce. Twenty years ago, coal was seen as the enemy, and, more recently, it has been seen as a difficult problem to manage; but I am increasingly of the view that coal is not part of the problem, but part of the solution. If we are going to have a long-term and balanced approach to energy policy in our country, we have to recognise the important role of coal.

We have some major opportunities at present. As a result of the Budget, there is to be an investigation of economic instruments and how they can encourage carbon capture and storage, and, therefore, clean technology for fossil fuels. Also, the energy review is about to take place, in which it is important that the Minister should ensure that the work on economic instruments is part of the wider energy picture.

We must take on board three important considerations. First, we are increasingly seeing the impact of globalisation and the global community on energy policy and the volatility of oil and gas prices. We can see that from current trends. As my hon. Friend the Member for Hemsworth (Jon Trickett) said, we will move from a reliance on gas of 20 or 30 per cent. to one of 70 or 80 per cent. That is a serious problem for energy security. As a recent briefing from Yorkshire Forward, our regional development agency, said,

"there are growing concerns about security of energy supply with the increasing need to import both gas and LNG from potentially unstable parts of the World and at prices over which ultimately there is little control."

That, it goes on to say, is why it is important that we retain coal in the energy mix.

Independent of the nuclear issue, which is not a solution, and renewables, which I support but which are only a small part of the solution, the first issue to consider in the long-term energy review is the mix between coal and gas. We need such a mix for long-term security.

The second consideration is the environment. We need global solutions for the environment and climate change, and we must recognise that many countries are producing more energy using coal. Therefore, the clean coal technology debate is not simply about what happens in Britain; it is about what happens around the world. In our review, when we consider economic instruments and incentives and how we can incentivise carbon capture and storage for fossil fuels, we must bear in mind the impact that that will have on wider global energy policy, particularly in relation to coal rather than gas, and the potential benefits of those technologies for the British industry and the global community.

The third point was made extremely well by Dieter Helm of Oxford university in an article in the *New Statesman* this week about energy policy. We must recognise, as I think the Minister does—this is what the energy review is about—that we cannot expect a long-term solution to climate change or energy security by relying on a liberal energy market alone. It is increasingly clear that such a market will not deliver the necessary co-operation on climate change or the incentives for long-term investment required to develop the clean fossil fuel technology that we need.

I fear that if we approach the issue of economic incentives for carbon capture and storage within the current market structure, the result will be not a balanced energy policy but a second dash for gas, which will neither solve the issue of security of energy supply and diversity nor help with our wider efforts around the world to promote clean coal technologies. I fully welcome the work on economic instruments, which brings great opportunities. Important work is being done both in government and outside, but it needs to be framed within a wider energy policy that takes into account the need for diversity of supply and a role for coal, and the wider spin-offs and benefits of clean coal and gas technologies—we need not one or the other, but a mix of both. We cannot allow the short-termism of this market structure to push us down the route of using gas rather than coal.

I do not have the degree of expertise of some Members present on indigenous coal, but I have listened carefully to other speakers, and, for two reasons, I think that there is a clear relationship between the broader issue of coal and its generation and that of where coal is mined and produced. First, security of supply is not simply about power generation; it is about the sourcing of coal. That should be addressed in the review.

Secondly, we will not have the kind of market incentives we need for long-term production of coal unless we have the kind of incentives we need for the long-term generation of coal. A long-term view of clean coal generation is probably the best way to set up a market incentive for the indigenous production of coal. If we take a sensible approach to the energy review and the balance of generation, we will find that it has a direct effect on the incentives for investment, so that we can break out of short-termism and take a long-term view, not only of a balanced energy policy but of the UK coal industry.

10.34 am

Edward Miliband (Doncaster, North) (Lab): I congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing the debate. May I say what a privilege it is to be the final Back-Bench speaker in what has been a very powerful debate with many eloquent contributions?

I speak in today's debate for a very simple reason: mine is a former mining constituency, which seeks fairness in the treatment of coal in the forthcoming examination of energy policy. I shall make five brief points to explain why. First, it is important to say that no one in this debate believes that we can recreate the past. Some 20 years ago in Doncaster, there were 19 pits and 30,000 jobs in mining and related industries. Today, only one pit, Rossington, remains, and it is due to be mothballed. It is important to make that point, because of people who want to caricature what they would call a pro-coal position.

Secondly, we must acknowledge the changed context since the energy White Paper of 2003. Not only have there been changes in patterns of demand, supply and prices, which others have talked about, but it is increasingly clear that no decision on energy policy is easy. Wind farms face great local opposition, as I know from my constituency, and there are doubts about security of supply. In the case of gas, there is excessive reliance on one source—we are forecast to rely on gas for as much as 80 per cent. of our energy supply within 15 years—and nuclear energy involves great clean-up costs and safety issues. Coal, too, has historically given rise to doubts about its financial viability and to concerns about environmental issues.

The most important point, which my hon. Friend the Member for Normanton (Ed Balls) made, is that it is becoming increasingly clear that we cannot leave energy policy simply to the market. Without a proper Government framework, the market cannot deliver for the simple reason that market failures do not take adequate account of environmental issues, of security of supply or of the dangers of excessive reliance on one source. That is why it is right to re-examine the issue.

Thirdly, we, as a country, must recognise and acknowledge our assets. The Hatfield pit in my constituency, which has been on care and maintenance since January 2004, sits on 80 million to 100 million tonnes of coal. According to the Department of Trade and Industry's own review in 2002, that is about 50 per cent. of the UK's reserves—a fact to which my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) drew our attention earlier.

As many hon. Members know, Richard Budge, who owns the pit, has embarked on a process of trying to raise private sector resources for the reopening of Hatfield. I do not know whether he will succeed, but I must say to the Government and to the Minister that there is a strong feeling in my constituency that if it was seen as right to offer £15 million two years ago as part of investment aid to keep Hatfield open—money that we could not, unfortunately, take up—there will be a real sense of grievance if Hatfield does not reopen because that money is no longer available. The feeling is particularly acute given the subsidies given to other forms of fuel. That is why we need a new phase of investment aid.

Fourthly, coal has always been seen as part of the environmental problem that we face, but I believe that it has a chance to be seen as part of the solution. My interest in this is that Hatfield has planning permission

[Edward Miliband]

for an integrated gasification combined- cycle power plant. I am not in the habit of praising the President of the United States, but it is interesting that in the recent energy Bill, $800 million was made available in tax credits specifically for IGCC power plants. I welcome the Minister's document on a strategy for carbon abatement technologies, but the UK contribution is very modest by comparison.

A point to which the Minister might respond relates to the interaction of the renewables obligation and clean coal technology. Ernst and Young's June 2005 report said that

"the present arrangements, to subsidise heavily a single way of reducing carbon emissions, do no favours to the environment, to security or to the economy".

I support our renewables obligation, but does it matter to us in principle whether renewables produce a reduction in CO_2 emissions or whether clean coal does? I do not have an in-principle view in advance about that, but at the moment it seems as though policy does. Some have argued that the renewables obligation should be supplemented by a sustainability obligation.

Finally, everyone in the coal industry should welcome the fact that the Prime Minister has said that he has an open mind about the future direction of energy policy. As I said at the beginning, however, those who have traditionally relied on coal have said that they do not want to return to the past, so those who have traditionally thought that coal cannot be an answer to our energy needs should approach this question with an open mind. My constituents want coal to be given a chance in the forthcoming examination of energy policy.

Frank Cook (in the Chair): I congratulate Members on complying so readily and effectively with my time prescriptions. I am grateful for that.

10.39 am

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): As the hon. Member for Doncaster, North (Edward Miliband) said, this has been a good debate. There have been many contributions from Members who have direct personal experience of their constituency's interest in the coal mining industry, its potential future and what it has to offer the economy.

I also congratulate the hon. Member for Selby (Mr. Grogan) on securing the debate and raising the subject. As he said, the Minister will be on his feet a few times today, responding to this debate and to the later ones on gas and oil supply and on clean coal technology, which is a fundamental part of this morning's discussion. It might have been helpful if the subjects had been debated in a different order because the oil and gas situation needs to be tackled in more detail. That cannot be done now because there is not enough time; perhaps we will be able to tackle that this afternoon.

Before I move on, I should draw the Chamber's attention to my entry in the Register of Members' Interests. I am a shareholder in Shell, which is an oil and gas company.

In the context of security, the hon. Member for Selby mentioned that we may be facing power cuts this winter. It might be helpful if the Minister quickly gave the Chamber his view on what exactly that may mean. Some large industrial users have interruptible contracts for power supply. There is a risk that those contracts will be called on to be interrupted; that is quite serious. I understand that National Grid Transco's assessment is that even with a one in 50 winter, domestic users and those on secure supplies are not facing power cuts. It would help if the context could be clarified. Nevertheless, when major players in the economy are facing shutdowns because of the price of energy, that is not a long-term stable position. It is right to draw attention to our energy supply situation.

Later this afternoon, we will address how that will progress. Carbon abatement, capture and storage is crucial. I would like to see the Minister get his honorary degree; if he could finally crack this nut and bring everything to fruition, there would be a major benefit, not only, as has been said, in providing a domestic market for our own coal by having a clean way of generating electricity from it, but for our export industry.

There is an urgency relating to the export industry. As has been mentioned, many coal-fired power stations are being built abroad. If they are built now before we get the technology right, retrofitting of the technology will be a much more expensive option. At least if stations are built now with a view to retrofitting, so that they will be ready, that is a cheaper way of bringing the technology on stream. People need to see the technology. The demonstration plant must be up and running so that people can have confidence in how the technology will work.

An exciting development is taking place. The dash for gas has clearly been a major disrupter of the coal industry in the past, but now there is a coming together of the two industries. Carbon abatement technology will possibly make great use of the North sea. Already an experiment is going ahead in Peterhead power station to generate electricity, and to try to use that to take the carbon resulting from that generation and re-inject it into the Miller field to bring out more oil and gas for future production.

Perhaps the Minister will update us on how he sees the debate about incentives progressing. There are forthcoming debates on economic instruments and on the carbon abatement strategy that the Government have proposed. I am slightly concerned about the pace at which those incentives will be made available. They must be available before the infrastructure in the North sea that can take that carbon back under the ground is lost. The situation is urgent and action needs to be taken quickly. An assurance from the Minister that urgent action will be taken would be much appreciated.

In addition, if our long-term strategy is for the carbon to be put back under the sea, we need to sort out the OSPAR and London conventions. That is going to take a long time, so I should like some reassurance about what the Government are doing to get permission to put underground carbon that is not being used for enhanced oil recovery. It is important to get such things right now, because there will be no point in having a carbon abatement strategy in future if we have signed up to an agreement that will not allow us to put carbon back under the North sea.

We are in a win-win situation, in that we can provide a market for coal in the domestic economy through clean coal technology, so the Government must ensure that that technology is up and running in order to give the market the confidence that it needs.

10.46 am

Mr. Bernard Jenkin (North Essex) (Con): I join others in congratulating the hon. Member for Selby (Mr. Grogan) on having secured the debate. It has been interesting and passionate, and I do not envy the Minister having to reply to it. I suspect that he can say little that is constructive because everything is hanging fire pending an energy review.

An energy policy has to provide three basic outcomes in order to be a success. It has to provide fair pricing to domestic and industrial consumers; it has to comply with our environmental objectives; and it has to provide security of supply. The Minister's difficulty is that the energy policy that the Government have pursued for the past eight years has resulted in the achievement of none of those objectives. Our industrial consumers are paying the highest prices in Europe, and that is going to hit our domestic consumers too; we are failing to achieve our environmental targets; and the security of supply situation is extremely precarious, as Minister knows, given that he has to deal with it daily.

Everything that we have heard today confirms that coal could be an important component in our strategy to tackle the security of supply. How is the Minister going to address that question if he is not allowed to consider it until next year, because the Prime Minister does not want to have a review of energy policy until then? The issue is more urgent than the Prime Minister and the Minister seem to understand. I agree that it is important for our country to develop clean coal technology, not least, as the hon. Member for Normanton (Ed Balls) said, because it will be highly exportable technology and there is little point in our achieving our environmental targets on our own. We need to come up with ideas and technologies that we can export to the rest of the world so that the whole world will be bound into environmental technologies. Coal will outlast oil as a source of global energy by a long way, possibly by hundreds of years. If we are at the forefront of the technology for clean coal, we will put Britain in a strategically strong position, and if we provide a market for our coal, we will also provide improved security of supply.

Will the Minister, simply and briefly, address the issue of intervention in energy markets? The renewables obligation certificate is a massive intervention in our domestic energy market. How can he justify putting up to £1 billion of subsidy into one form of renewable energy without making an assessment as to whether it provides good value for money compared with other possible destinations for such intervention in the market? I agree with those who have suggested that we should consider a non-carbon obligation certificate rather than just a renewables obligation certificate, because the former would target the carbon abatement and carbon sequestration technologies in a way that the existing regime does not.

Finally, what will happen to the emissions trading scheme? There are no plans for it beyond 2012. How is an industry that has to make very long-term investment decisions meant to make them when there is now uncertainty on the part of other countries—especially those that are breaching the Kyoto targets by a long way—about whether they want to continue with the emissions trading scheme at all? What is the scheme's future? Is that not yet another issue that needs to be tipped into a proper policy review of energy issues so that we come up with a comprehensive energy policy instead of bolting this and that on to the regime that the Government inherited from the Conservatives eight and a half years ago? Things move on, but I do not think that the Government's policy has.

10.50 am

The Minister for Energy (Malcolm Wicks): I, too, congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing this debate and introducing it so well.

The debate has certainly been strong and serious, and it clearly deserves more time. I certainly require more time to respond to all the issues, not only about coal but wider energy policy. I thank my Opposition colleagues for agreeing to speak for just five minutes each. I heard on the radio that there is now a kind of grand German alliance between them on climate issues, and I am pleased that that applies to parliamentary procedure as well.

I recognise the passionate conviction with which Members have argued for the continuing need to maintain an active coal mining industry in the United Kingdom. I also recognise the strong and growing interest in wider energy policy and the need for diversity among our energy sources. I take this opportunity to assure colleagues once again that the Government firmly believe that access to a range of energy sources is essential to ensure security of supply.

I am aware that there are rival camps: some think that the whole future is about efficiency, while others think that it is about renewables, or nuclear energy, or coal or gas. However, I warn against any non-serious dispute about different energy sources. The debate is about the energy mix that we need judged against different criteria, some of which, in the 21st century, are geopolitical. The dispute between rival camps may not be the most appropriate way of approaching that debate, although I am not saying that we have had any such dispute today.

There were some interesting contributions, not least from my hon. Friends the Members for Normanton (Ed Balls) and for Doncaster, North (Edward Miliband), about the relationship between the market and the state. To caricature the issue in an overly simple way, I should say that we went through one era in which the state determined energy policy through the nationalised industries. Under a previous regime, we then went into a period in which the market was king and many people thought that it could determine everything. We are now into a much more serious debate about the state advancing various objectives on behalf of the democracy, albeit with a liberalised market. Such objectives include social policy aims such as tackling fuel poverty, objectives resulting from climate change and so on. We need that kind of intellectual debate if we are to get some of the important details and policies right.

We have to face facts, and colleagues have done so: coal is not a clean form of energy, and coal-fired generation is under increasing pressure from ever more

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stringent environmental regulation, including carbon pricing and emissions controls. Nevertheless, we strongly believe that there will be a continuing role for coal in meeting this country's energy needs for some years to come, provided that its potential environmental impacts can be managed satisfactorily.

I am interested in this issue. When I was in the United States some weeks ago, I visited a clean coal technology plant in Tampa, Florida. Clearly, the technology and good practice are there. The Government have demonstrated their support for the coal industry by making more than £200 million available in coal state aid since 2000. Between 2000 and 2002, we paid more than £160 million of coal operating aid to help mines that could show the long-term viability necessary to survive a period of difficult international market conditions. Despite that support, the industry continued to contract; output was down by 16 per cent. over those three years.

Operating aid was replaced in 2003 by the coal investment aid system, under which up to £60 million was to be made available to support projects to maintain access to economically viable reserves and to preserve mining jobs. Before the CIA was formulated, we commissioned a study to assess our remaining coal reserves and what projects mine operators might enter into with investment support. We concluded that there was likely to be sufficient demand to justify offering that form of aid and went ahead with its launch, but we did not expect the level of demand that it attracted.

The first of the three planned rounds drew applications worth over £130 million, more than double the sum available for all three. However, rather than limit the first period awards to one third of the available budget, we offered more than three quarters of the total, taking the view that such a response would show a level of commitment to the industry's future that deserved early support. In the event, one of the larger offers was not taken up, so the sum available in the second application period was about £19 million. On that occasion, the applications were for over four times the sum available; but again, the decision was taken to award the bulk of the remaining money further to support ongoing investment.

I take this opportunity to announce one late period 2 award. Following the submission of a revised application, Tower colliery is being offered a further £842,000 to cover planned expenditure to the end of March next year. That will bring total CIA support for Tower to just over £3 million. That award brings the total awarded to all applicants to almost £58.5 million. Allowing for project monitoring costs, the whole of the aid pot, which we originally expected to award over three years, has been committed within the first two years.

Because the CIA is paid retrospectively in order to reimburse expenditure that has been incurred and defrayed, most mines will continue to receive funding until mid-2006. There are three mines for which that clearly cannot be the case: Ellington, where investment was halted by the flooding which forced its closure earlier this year; and Harworth and Rossington, where development has halted ahead of mothballing once their current panels are worked out. UK Coal has told us that the latter two collieries still have workable reserves, but that even if more CIA funding were available they could not finance the level of investment needed to access them.

The time is therefore right to take a new look at the industry and to reconsider how best to create a climate in which it can attract the long-term investment needed to secure its future. The future of coal will therefore be scrutinised as part of our review of energy policy: that is the right context in which to consider the matter.

Hon. Members may be aware that, although home production has been roughly 55 per cent. deep mined and 45 per cent. surface mined in recent years, problems at the remaining deep mines in the first half of this year meant that surface mine output, mainly in Scotland, has for the first time exceeded deep mine production. The balance is expected to be restored in the second half of the year, but the lesson to be drawn from the first half is that those two sectors are not in competition. Rather, each needs the other to help to maintain the markets that they both need to ensure their futures. I do, however, note the concerns that have been expressed.

We cannot ignore the fact that coal is one of the more polluting fuels because of the CO_2 emissions. As I said, if clean coal technologies can become competitive within the next 10 to 15 years, they could contribute to our target of reducing carbon emissions by 60 per cent. by 2050. I hope that the £40 million package of grants made though the carbon abatement technology system will help to support clean coal technology. Carbon capture is a major challenge, both here and worldwide, not least given the development of coal resources in China.

I thank again my colleague from Heslington—that is how I think of my hon. Friend the Member for Selby—for securing a debate on such a serious matter. However, this is not the end of the debate but the beginning of a long discussion about the future of coal.

Smoke Alarms

11 am

Paul Rowen (Rochdale) (LD): I am grateful for the opportunity to initiate this short debate on smoke alarms. I know that the Minister, as an ex-firefighter, has personal experience of what happens when a fire alarm is not fitted. I wish this morning to consider the issues and the current state of affairs concerning smoke alarm provision.

I was prompted to ask for the debate by a very bad fire in Rochdale on 25 June, when a young mother and three children, a baby of 11 months, a three-year-old and a nine-year-old, lost their lives. On that same weekend there were two other serious house fires around the country, in which another three children lost their lives. That demonstrated to me why, although there has been considerable improvement in smoke alarm provision, there is room for more.

Across Greater Manchester last year there were 18 blazes that ended in tragedy. Of those 18, 14 were in buildings with no smoke alarms. Nationally there were more than 4,000 similar fires. The figures show that only 1,813, or 41 per cent., of those fires were in premises with a working smoke alarm. Another 11 per cent. happened where there was a smoke alarm that was not working. Sadly, that was what happened in the case of the fire in my constituency. An alarm was fitted, but there was no battery in it.

Typically, those affected by fires where there is no smoke alarm are old people, single people, people from ethnic minorities or families with young children. It is twice as likely that someone will suffer death by fire where no smoke alarm is fitted than where there is an alarm. In Greater Manchester, the fire service tells me, approximately 200,000 households still do not have a smoke alarm. There has been a considerable improvement since 1987, when 9 per cent. of households had smoke alarms. The current estimate is 80 per cent. Nevertheless, as the tragedies remind us, one life lost through fire is still one too many. I shall suggest some measures that are not dramatic and do not carry huge cost implications, and which could go some way to improve the statistics.

In 1997, the community fire safety task force report, "Safe as Houses", concluded that enforcement of regular checking of smoke alarms was likely to be difficult and excessive. Notwithstanding that, I am aware that in the past few years the Government have extended relevant provision so that, for example, since 1992 all new houses have had to have a working smoke alarm; in 2000 that was extended for loft conversions; there is also now provision, through the Fire Precautions (Workplace) Regulations 1997, if a risk assessment is carried out, for a local authority to insist on the fitting of a smoke alarm. That, typically, applies to houses in multiple occupation. I am also aware of licensing arrangements that local authorities can make, extending the provision. However, that does not make it compulsory.

For private rented properties in particular—because the people affected by the issues I am raising are predominantly those who live in such properties—I ask the Minister to consider extending the annual gas check. At present, it is a requirement for there to be an annual check of the gas fires in all private rented properties. When gas engineers carry out that check, could they not also check that a working smoke alarm is fitted? If that were done, any enforcement difficulties could be overcome without a great deal of extra expense. As all the figures that I have quoted show, there is no doubt that people who have a smoke alarm fitted in their homes have a greater chance of escaping losing their lives. I ask the Minister to consider my request; nearly 50 Members have signed my early-day motion on the matter.

There are a couple of other areas where there is a need to bring about improvements, and which I have been asked to raise. One of them is the provision of smoke alarms for deaf people. More than 2 million people in this country suffer deafness that requires a hearing aid, and 450,000 of them suffer severe hearing loss and would be unlikely to hear a conventional alarm. Earlier this year, for the first time ever there was a deaf awareness week, during which local brigades worked to raise awareness of the importance of smoke alarms, and in particular of the types of vibrating alarms that deaf people require. I ask the Minister to consider making that an annual requirement as part of the fire service plan, because there is a need for us to continue to reach such people.

From February 2006 there will be a new provision: the home oxygen service will be introduced. Currently, more than 50,000 patients receive oxygen at home. I am sure that the Minister is aware of the fire triangle and the causes of fire, and of the need to exercise caution when using oxygen. I am grateful that the company that has won the contract to supply the new oxygen service products is working with brigades in some areas of the country to target the people who use them and to make sure that they understand the dangers that are involved in using oxygen.

Some brigades are taking such targeting of at-risk groups further. The brigade in West Yorkshire is visiting people over the age of 60 and replacing their chip pans with deep-fat fryers. The brigades in Leicestershire and West Yorkshire are also checking electric blankets. That is good; it demonstrates that we have extended provisions with regard to fire safety—such as smoke alarms—but, again, I would like such good practice to be replicated throughout the country.

Mark Williams (Ceredigion) (LD): My hon. Friend has talked at length about domestic arrangements and the domestic threats that are caused by not having suitable fire alarm equipment. Is he satisfied that the testing arrangements for fire alarms in schools are rigorous enough, and in particular the mechanisms by which they can be monitored, and also that fire drills in schools are undertaken as frequently as they should be?

Paul Rowen: As a former deputy head of a secondary school, I would say that we would be carrying out our fire drill at some time during this week. The biggest issue is the concern about the age of many of our schools and the current requirements for them, compared with the requirements when many of them were built. Fire officers throughout the country are producing reports on schools. From my experience, without extensive rebuilding or knocking it down and starting again, my former school would not meet modern practice. The

[Paul Rowen]

Department for Education and Skills needs to make specific sums available for local authorities and church authorities to bring such buildings up to a safer standard.

My focus is on the provision of domestic smoke alarms, which are cheap, simple to install and save lives. People can buy a hard-wired system, or one that would fit in a light bulb for under £10. Since 1987, we have come a considerable way in improving the provision of smoke alarms. Notwithstanding that, there is still room for improvement. As the statistics have demonstrated, people are twice as likely to lose their life if they do not have a smoke detector fitted, and certain sections of the community are affected disproportionately.

To reiterate, will the Minister consider extending the annual check on gas fires that is currently carried out in rented accommodation to include a simultaneous check on the smoke alarm? In that way we can make the requirement that alarms have to be fitted enforceable, and ensure that batteries are not removed, because people often take those out, making the alarm worse than useless. Although such a check would be made only once a year, it could help save lives.

A loss of any life is to be regretted, but when a life could be saved by the provision of a cheap and easy system, such as a smoke alarm, it is plain ridiculous that we do not try to enforce something that could save it.

11.12 am

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): Mr. Cook, it is a pleasure to see you in the Chair this morning.

The hon. Member for Rochdale (Paul Rowen) makes a strong case on the supply and use of smoke alarms, and I welcome this opportunity for the House to consider this important subject. I should say, and I hope that the hon. Gentleman acknowledges the fact, that I am not unsympathetic to the position that he has advanced. I will come to the points that he raised later.

I take this opportunity to offer my sincere condolences to the families mentioned earlier by the hon. Gentleman. As he says, it is clear that there is, sadly, every reason to think that many of those deaths were, in principle, avoidable. Indeed, as the hon. Gentleman said, the house in Rochdale had a smoke alarm fitted, but it was not working on the day of the fire. That is one of the key issues to which I will return in due course.

I assure the House that the Government agree about the importance of a working smoke alarm, which is crucial to give occupants early warning in case of fire and precious time to escape. Smoke alarms are cheap, easy to get hold of and easy to fit, whether they are hard-wired in building construction, contain 10-year lithium batteries, or are even ordinary battery-operated alarms.

As has been mentioned, the Government have, since the mid-1980s, promoted the life-saving benefits of smoke alarms through high-profile media campaigns, most of which have been focused on raising awareness among householders of the need to install and maintain smoke alarms. Those campaigns included "Excuses kill. Get a smoke alarm" and "Push the Button, Not Your Luck". The strategy has been highly successful and has raised smoke alarm ownership in households in England and Wales, as the hon. Gentleman quoted, from 9 per cent. in 1987 to the current level of about 80 per cent. We estimate that the strategy is saving about 50 lives per year as a direct result.

The Government are determined to increase smoke alarm ownership further. Last October we announced a major fire-prevention programme to target the 1.25 million most vulnerable households, to whom the hon. Gentleman referred. The home fire risk check initiative is a four-year, £25 million funded programme. All English fire and rescue authorities will be funded to help them establish a dedicated programme of home fire risk checks. Moreover, free 10-year battery-operated smoke alarms and, where deemed necessary, automated fire-suppression systems for high-risk households that can be protected in no other way will be installed. I am sure that the hon. Gentleman realises that there is no use in putting a smoke detector in homes where people with disabilities are living independently—it may alert them to the fact that there is a fire, but they may not be able to move. Therefore, fire-suppression systems for people with disabilities who live in such dwellings may be the only way to protect them.

Fire and rescue services have widely welcomed the initiative, and all are implementing programmes. I am pleased to announce that, since the initiative was established, almost 170,000 home fire risk checks have been undertaken, which has resulted in the installation of almost 190,000 smoke alarms. We are on course to meet our target of reaching 1.25 million vulnerable households by 2008.

Greater Manchester fire and rescue service has received more than £250,000 per annum through the initiative. It has undertaken more than 6,000 home fire risk checks, which have resulted in about 10,000 smoke alarms being installed. I am sure that the hon. Gentleman will agree that that is an excellent start.

Moreover, following the tragic fire in Rochdale, Greater Manchester fire and rescue service, working with various agencies, has mounted a media campaign on the importance of fitting smoke alarms in all rented properties. It has pledged to ensure that, within five years, each household will have a working smoke alarm in place. I wholeheartedly support that initiative to help reach those most at risk from fire.

The debate so far has focused, albeit not exclusively, on fire safety in private rented accommodation. As has been mentioned, no statutory requirement is placed on landlords to install and maintain smoke alarms. They are, however, encouraged to do so as a matter of good fire safety management. That includes ensuring that all exits are kept free from obstruction and that fire apparatus is kept in good condition. Since 1992, building regulations have required that mains-operated smoke alarms be provided in all new dwellings. Government guidance that was issued in 2001 also encourages local authorities and housing associations to provide hard-wired smoke alarms in their dwellings. In addition, local authorities will, from this month, have a power, under the Housing Act 2004, to introduce a licensing scheme for privately owned properties. It is a mandatory condition of any licensing scheme that smoke alarms be provided and maintained.

I am delighted to say that Rochdale metropolitan borough council, with which the hon. Gentleman has a close association, is already acting to raise standards in the private rented sector. I am sure that the hon. Gentleman has been part of that project. In 2004, the council introduced a landlord accreditation scheme that focused on housing market renewal areas. It now has a landlords' forum with 1,700 members, who, three times a year, receive fire safety information and details of free home fire safety checks by the local fire and rescue service, which also provides speakers for landlord forum meetings.

All properties offered for accreditation are inspected independently, and smoke alarms are provided and installed for free. Interlinked alarms are provided for vulnerable households. Other free services available to accredited landlords include gas and electrical safety checks and the cost of installation. Asian landlords have been specifically targeted through the local Asian press and radio and through mosques and shops.

I am also aware of calls for greater use of domestic sprinklers to reduce the risk of fire. We have provided funding through the home fire risk check initiative for sprinkler installation in high-risk households, with a view to assessing their effectiveness in a UK context. We are also tackling another barrier to the use of domestic sprinklers, and that is their high cost. We have funded research into the design and effectiveness of domestic low-cost sprinkler systems, based on work undertaken in other countries. The objective is to examine what can be achieved by way of life protection from a low-cost domestic sprinkler system using different operating conditions, such as water pressures. The project includes preparation of a cost-benefit analysis for all dwellings and for targeted installation aimed at vulnerable groups, as well as a practical study of sprinkler effectiveness in reducing casualties. Initial findings, I am pleased to say, suggest that a low-cost sprinkler system can be put into a new-build house and work effectively, given adequate mains water pressure, at a cost that will be acceptable, I am sure, to the industry and to purchasers.

The Government's overriding objective is to support the fire and rescue service in saving lives, reducing injuries and preventing fires. We have a national target to reduce the number of accidental fire-related deaths in the home by 20 per cent. by 2010, with no local fire and rescue authority having a fatality rate from accidental fires in the home of more than 1.25 times the national average. The Government have put in place the framework to achieve those targets. The Fire and Rescue Services Act 2004 has put prevention at the heart of the Government's agenda for improving the fire and rescue service and has created a statutory duty to promote fire safety.

Too many people continue to die needlessly in house fires. Our goal must be no more preventable fire deaths. We have set the direction for the fire and rescue service through the 2004 Act and provided local authorities with new powers to regulate private rented accommodation in the Housing Act 2004. In partnership with landlords and the local community, local authorities and fire and rescue services are already showing what can be achieved, but we must not relax our efforts.

Our aim is not only to have smoke detectors fitted in every home; the Rochdale home had one. Our aim is much more ambitious. It is to educate people about their personal safety and how best to look after themselves and their loved ones. We have made real progress, which is accepted. The increase in the number of smoke detectors installed shows that easily. We have yet to win the constant struggle to persuade people that not only can they look after themselves, but they must.

I hear the hon. Gentleman's request to include in the gas engineer's visit the examination of smoke alarms. I will look into that and write to him in due course. He also raised the question of smoke alarms for the deaf, which, incidentally, reminded me that I had not put my hearing aid in this morning, so I thank him for that. Specialist alarms are already provided under the smoke alarm initiative. They exist and many are being fitted throughout the country. The National Community Fire Safety Centre supports the fire and rescue service's involvement in deaf awareness week, which is another dimension of their activity. Fire services should consider local needs and prioritisation within their integrated risk management plans and strongly encourage all forms of additional protection.

I hear also the points that have been made about schools. The Department for Education and Skills has been considering sprinkler systems in schools and other building protections, and we are keen to see the outcome of that. I hear the points raised by the hon. Member for Ceredigion (Mark Williams), and we will consider them and write to him if appropriate.

One of the key issues raised by both hon. Gentlemen is that there is much good practice. I am keen for the Office of the Deputy Prime Minister to help the existing structures: to work with fire and rescue services, the Chief and Assistant Chief Fire Officers Association and the structures within which fire and rescue services are organised in order to make sure that best practice, which is being developed in local brigades, is brought to the attention of the national fire service and rolled out if appropriate. One of the key elements of the 2004 Act is that we have delegated much more responsibility for the design and deployment of the local safety plan and the number of fire stations, appliances, fire fighters and other staff to local chief fire officers and local councillors.

No community is the same as any other. The dangers for each community must be addressed by the people who understand them: the local elected councillors, the principal chief fire officers and other fire staff. We need to make sure that they are aware of progress across the country in a variety of ways, so that they do not have to reinvent for every area what works best. If an initiative suits a local community, neighbourhood or fire authority area, they should be able to follow it. I can see that that patchwork effect is happening. An imaginative campaign was run in Northern Ireland, in which the slogan "Thumbs up, it's Friday" was used on buses and billboards to encourage people to check their smoke detectors on Fridays.

The hon. Gentleman spoke about gas engineers making annual inspections. Smoke detectors need to be checked weekly, especially the one-year battery operated ones. In too many of the give-away schemes that we have run, smoke detectors have ended up being exchanged in the local pub for a variety of other favours.

[Jim Fitzpatrick]

Too often, their batteries are taken out for television remote controls or children's toys, particularly at Christmas, which is an especially dangerous time. A weekly check that the smoke alarm battery is functioning is most important, but an annual check is also critical.

In England, we have run the national "Push the Button, Not Your Luck" campaign. We need to keep reinforcing that message to educate people that there are systems to protect them and their families. We want to provide that protection collectively. A key message in my many visits to fire brigades in the past few months is that fire is not a party political issue; there is genuine consensus across all parties. We are there to support the service and to protect the public. I am grateful to the hon. Gentleman for securing the debate and allowing us to play our part in reinforcing the message.

11.26 am

Sitting suspended.

Oil and Gas Supplies

2.30 pm

Dr. Vincent Cable (Twickenham) (LD): I am grateful for the opportunity to discuss a subject that emerged during the summer recess as one of the dominant issues facing us. I have tailored my comments in anticipation of a Department of Trade and Industry Minister responding to the debate, but clearly there are other aspects to the subject, which relate most notably to the Treasury. A set of important issues relate to the DTI, and I shall touch on some of them briefly. They include the question of Government intervention in the oil markets, upstream investment in the North sea, the shortage of gas, if there is such a thing, competitiveness, the conservation agenda and the implications for alternative energy, and fuel poverty. At best, I shall simply tick some of them and ask questions about others.

To put the subject into a personal and an historical context, I first became aware of the potential for oil shocks 30 years ago, when I worked in government as an official, not as a Minister. I was responsible for British foreign policy on Latin America, and on Venezuela in particular. Mr. Perez Alfonso, the Venezuelan Oil Minister and father of OPEC, had coined the term "the Devil's excrement" to describe oil. The point that he was trying to make was that oil was a necessary part of the functioning of society and economies, but that it had all sorts of unpleasant environmental, economic and social side effects.

In the past year, we have encountered some of the predominantly negative effects of an oil shock. It is not of the scale that we endured in the mid-1970s and early 1980s—at least not yet—but it has the potential to be. Oil prices more than doubled between 1998 and 2003, increasing from an average of $13 to $31. They doubled again in the following two years: Brent crude is now just under $60, and at one point it was close to $70. Wholesale gas prices have roughly doubled in the past two years, and they increased very substantially in the two years before that.

I shall start by identifying some of the consequences that we have already experienced. Overall, the consequences might be less severe and dramatic than they were a generation ago, because our economy and that of most other western countries is now less dependent on oil and on energy in general as a share of GDP. That is partly because western societies, including our own, have made an effort to conserve, but mainly it is because of deindustrialisation. None the less, there have been some substantial impacts, as we saw yesterday in the published figures for inflation, which is now more than 3 per cent. annually compared with 1.1 per cent. in September last year. Not all of that is because of energy issues, but a substantial part of it is.

According to the energy watchdog, family gas bills have risen from £327 to £445 in the past two years—an increase of 40 per cent. Inevitably, that has had an impact on fuel poverty. Until quite recently, the reduction in fuel poverty was a great success story: from 1996 to 2001, the number of people defined as fuel poor fell from 4.3 million to 1.7 million—a massive reduction. Two years ago, however, the Minister's predecessor warned that that reduction would not be sustained

because of the upward movement in gas prices in particular. Basing its estimate on existing price increases the energy watchdog suggests that the number of fuel poor could increase to about 3.5 million in the coming months. There could therefore be a great deal of regression in what was a major social advance. The energy watchdog warns that, even on the basis of current prices, the coming winter could see a big increase in personal debt and, linked to that, fuel poverty and disconnection.

That is how the oil and gas shocks have been experienced at the personal level. However, it is not just households that are affected; we already have figures for the additional cost to the public sector. Public expenditure last year was an estimated £100 million more than it otherwise would have been because of increased fuel consumption bills: hospitals alone spent an extra £40 million and we expect significantly greater increases this year. The figures that have begun to emerge from the industrial federations suggest an increase in energy costs for the chemicals industry of about 70 per cent. over two years and close to 60 per cent. for the plastics industry; those are big industries, each employing about 200,000 people. The paper, glass and construction industries have had similar experiences, with major knock-on effects that will have an impact on their international competitiveness.

Is that all, or is there more to come? I do not know. I was once professionally engaged in the business of forecasting in the energy industry and my experience taught me never to attempt forecasts. Indeed—I may have told this anecdote before—when I was installed in my office at the oil and gas company for which I worked, I was given an Arabic saying, which I pinned to my wall. Roughly translated, it said, "Those who claim to forecast the future are all lying, even if by chance they are later proved right." Forecasting is a dangerous business, but I have looked at some of the consensus forecasts that are currently being made about crude oil prices, and it is worth reviewing the range. Barclays Capital is working with a figure of $50 for the next year, Merrill Lynch with $45, the Deutsche Bank with $40, and BP, which presumably knows a thing or two about the matter, expects roughly $40 over the next three years. In other words, the figures are somewhat down on current levels, but substantially higher than we were used to in the late 1980s and for most of the 1990s. However, some outliers—knowledgeable and well-informed people—are talking about the possibility of something of the order of $100 over the winter if adverse circumstances arise.

I will not ask the Minister to give a Government view about what prices should be—it would be foolish to do so. However, it would be useful to know how the Government approach the big controversy on the future of energy prices, particularly oil prices. There are essentially two views. The optimistic view, which I acquired in the industry, is that oil reserves are always underestimated—there has always been an expectation of a 20-year life—and that over time, prices increase, which increases exploration, and technology advances and all kinds of basins and fields are discovered that we did not know existed. However, there is another plausible view, which I do not discount, which is that there is an oil mountain, the summit of which we have reached, and that we face a long-term future of depletion. It is important for the Government to take a view on that controversy, because it affects the way in which one perceives the future of the North sea. It will be interesting to know, for example, what kind of analysis the Government's chief scientific adviser has made of the competing views.

In the time remaining to me today, I shall identify some specific areas on which it would be useful to hear the Minister's views. The first is whether there is anything that the Government could or should do to stabilise oil prices that they have not done. They were right to avoid subsidies and oil caps and some of the other panic measures that have been introduced in other European countries. However, the one major intervention that the Government have made, along with other International Energy Agency countries, has been the use of the strategic stocks. That has probably been a factor in the moderation of prices in the weeks since the hurricane. It would therefore be useful to know whether the Government believe in the domestic market. We should also consider the fact that if the oil companies are left to make a commercial decision, they might run their stocks down to avoid the associated overheads. It can be argued that we should look afresh at the size of our strategic reserves.

In respect of the oil markets, the Government have set out six points at international gatherings such as G7 and the European Council of Ministers that are effectively a series of demands on the OPEC countries. A Conservative spokesman captured the tone rather well by saying it was "a little colonial" to demand that OPEC countries produce more oil. What is the Government's current assessment of the spare capacity of the OPEC countries? I am not terribly close to such matters nowadays, but my impression is that there is very little or even none. The underlying problem over the past few years is that, despite rapidly growing demand from China, India and the United States—all strongly growing countries—OPEC capacity has been pretty fixed. That is understandable, because for a long time low oil prices resulted in there being little investment. The OPEC countries have simply run out of capacity. Urging those countries to produce more is at best rather pointless, and at worst a distraction. Will the Minister tell us the Government's professional assessment of OPEC's current spare capacity?

Mr. Bernard Jenkin (North Essex) (Con): I am listening carefully to the hon. Gentleman, who brings much expertise to the debate. Is he aware that changes in the taxation regime for road fuel stations has resulted in a big reduction in stocks of fuels held at the point of sale? Could it be that the Chancellor, in a rather typical Labour manoeuvre, is trying to distract attention from the perverse incentives caused by his taxation regime, which has made it more likely that filling stations will run out of fuel, and is blaming someone else for problems to which he has contributed?

Dr. Cable: I do not know the motives but I think that the hon. Gentleman may be correct. I understand that, over time, the oil industry has been running smaller stocks in the distribution sector and at the refining stage. I had not realised that it was being done for tax reasons; I thought that it was being done to reduce the cost of maintaining stocks.

[Dr. Cable]

My second set of questions relates to the first. Are the Government doing all they can to maximise our oil production in the North sea? I note that the Minister had a successful round of licence bidding during the summer—the best for 30 or 40 years, I believe. He must be rather pleased about that, given that only two or three years ago we had the worst round. I do not know whether that was because of the oil price environment or the sudden changes in taxation, but during the past few months there has clearly been a positive response, and that bodes well. I have a slightly technical question for the Minister. Is he satisfied that the larger number of bidders that have emerged as a result of the licensing are capable of carrying through the exploration and production to which they have committed themselves? I understand that many of the companies are extremely small and have little capital; they will depend on secondary equity markets to raise money. It is potentially an internet bubble, in that their commitments might not be carried through into production. It will be interesting to know how the Department regards the bidders and whether it screens them for competence and ability to deliver.

My third question—probably the most topical—is about gas supplies and is indirectly related to the upstream issue. A few weeks ago, Digby Jones warned of the real danger of "the switch being pulled" on British industry because of a shortage of gas. The engineering employers have given a similar warning. To be fair, the Minister said in response to such comments that he is not complacent, and the problem is referred to in the July paper published by the Department for Trade and Industry. The controversy centres on what is a sensible storage capacity. At present, our long-term storage of gas is approximately 11 days, compared with a European average of just over 50 and, in some European countries, just over 80 days. Although the Government do not maintain a strategic stock of gas as they do for oil, the question arises what is the optimum and who decides it? Should there be a stock and, if so, should a figure be set? Have the Government decided whether, in broad security of supply terms, it would be sensible to define a minimum stock level? If so, what should it be?

How did we get to a position in which storage is so tight? Was it a failure of regulation by Ofgem or a failure of policy? Was it, as Energywatch suggests, a rather subtle problem caused by the lack of trading in the futures markets leading to destabilising speculation? If that has been the problem, what can be done at Government level to influence it and to improve the workings of the market?

Mr. John Grogan (Selby) (Lab): Does the hon. Gentleman share Energywatch's concern that the completion dates for three of the storage facilities have been delayed and that storage capacity has been reduced for two of them? Does he also share its concern about the workings of the market? It contends that much more real-time information about gas flows should be provided to buyers and that it would be a good idea if regulation of the gas market were not split between the DTI and Ofgem, but unified.

Dr. Cable: The last point is a good one and the hon. Gentleman expressed it better and more fully than I did. Essentially, there is not a properly functioning market and because of that there is a tendency for speculation to bid up prices very quickly. I asked how the lack of transparency and liquidity in the markets that gives rise to the relevant criticism can be rectified. The hon. Gentleman is also right to point out the frustration about how slowly the storage is forthcoming—although the other side of the argument is that it is on the way, so that there will be substantially enhanced storage capacity within a year. The problem is this coming winter, which leads back to the question I posed about what the minimum should be and who should determine it.

One of the implications of that question follows from the problem that the hon. Gentleman has just raised. How much of the problem is due to the lack of liberalisation of EU energy markets? Because the British have liberalised their gas markets and, by and large, most EU countries have not, we are now net importers—we are importing gas, the price of which is arbitrarily linked to the price of oil rather than to supply and demand on a short and medium-term basis. As a result, we are importing substantial extra costs. The question for the Minister to answer, which is at the top of his agenda, I am sure, is how high the issue sits among the Government's priorities for decision-making in the European Union, now that we hold the EU presidency. What is the prospect of achieving any significant improvement in the liberalisation objectives of the Union? It is, as the Minister knows, a long-standing problem. I was involved the energy industry 10 years ago when liberalisation was discussed as an imminent breakthrough, but it never happened.

Mr. Jenkin: We are all for the liberalisation of EU energy markets, but it is not going to happen this year, next year, or in five or 10 years, and that is probably an insurmountable obstacle in the medium term, if not the long term. Is that a legitimate excuse for the Government's failure to act in the national interest on other policy areas that they have under their direct control?

Dr. Cable: I shall give the Government the benefit of the doubt and assume that the problem probably is surmountable. I am asking for the Minister's political judgment about the prospects of achieving substantial improvements. As the hon. Gentleman implies, it will probably involve pressing on other issues to get concessions.

Linked to that matter is my fourth set of questions about competitiveness in general. Gas supply is important not only because of insecurity but because of price impact and the effect that that has had on manufacturing. I do not think that anyone realistically expects manufacturing to be subsidised to offset the disadvantage that it carries. However, it is not simply an academic issue; it is necessary to the survival of many manufacturing companies that they operate on a level playing field with the rest of the European Union on gas costs.

I shall touch on other aspects of the competitiveness debate. One issue has opened up because of the large cash reserves that OPEC countries now have. I believe that about $300 billion additional income is being generated, most of which is sitting in the form of US

Treasury bonds and not being spent. There is a cash mountain that the OPEC countries will want to spend over the next few years. During the last two oil shocks, the Government played a major role through the Foreign and Commonwealth Office and the Department of Trade and Industry in helping British industry to deal with its often difficult commercial relationships with OPEC countries, which do not necessarily function in the same way as western European or American countries, or even developing countries in Asia. In such countries there is much centralisation, and many procurement decisions are highly politicised. To what extent have the Government taken account in their trade promotion work of the enormous bulge in OPEC spending that is likely to occur in the next few years as those balances are drawn down?

I have a fifth set of questions about conservation. Clearly, the most effective solution to the problem of oil and gas shocks is for our economy to be more efficient in conserving energy. That is broadly recognised, and there has been a move toward the British economy becoming more energy efficient, but there are problems with specific Government decisions. One troubling area is that of building regulations—I do not know if the Minister is involved with this issue. It has been known for some time that the regulations allow substantial energy inefficiency—indeed, a study a few years ago suggested that about 65 per cent. of new homes are not airtight. As a result, earlier this summer, the Government embarked on a consultation with industry—the building industry and others—about tightening regulations on the building of conservatories and extensions. There was a broad consensus that the regulations needed to be tightened in respect of energy conservation, and there was a broadly supportive regulatory impact assessment that found that such regulation would be useful and would not just be red tape. However, when the new building regulations appeared a few weeks ago, the organisations that follow the issue closely were deeply alarmed to discover that almost all the energy-conserving aspects had effectively been removed. I do not know whether the DTI was involved with that, but it certainly should have been because if that is the case, much of the Government's strategy has been seriously undermined. I believe that the Office of the Deputy Prime Minister took the lead on that matter. Can the Minister report on that?

My final set of questions relates to alternative fuels. This whole debate has triggered discussion over alternatives to oil and gas for environmental and economic reasons, much of which centred on the long-term question about the role of the nuclear industry, which I do not want to reopen now. We have had the energy White Paper and are promised further papers on that issue. I want to switch attention to an equally important issue, which receives little attention. In the long term, the transport sector is almost certainly responsible for generating as much CO_2 as the power sector, but speeding up the introduction of alternative technologies in the vehicle sector receives relatively little attention. Some excellent work has been done in the industry on establishing a hierarchy of costs to show the most cost-effective way of changing the vehicle stock. On that basis, hybrids are almost certainly the best way of substantially reducing emissions. Will the Minister tell us about the Government's evaluation of that issue, and about infrastructure development and the incentive structure faced by car producers and motorists in relation to the process of substituting alternative fuels?

Malcolm Bruce (Gordon) (LD): My hon. Friend is on to an important point. Over the past 40 or 50 years, oil and gas have come mostly from quarters of the Earth that, geopolitically, are not inherently stable, yet we have not made progress in providing alternatives that are more secure. Does he share my puzzlement about that? To illustrate, Russia is a major provider of oil and gas; Russia is rebuilding a one-party state that controls all its assets. If it became unfriendly, that could be a problem. One could say the same of Saudi Arabia, Iran, and Iraq. My hon. Friend is absolutely right: we surely need to develop a wider range of alternatives that would leave us less vulnerable to geopolitics.

Dr. Cable: Yes, the emphasis on a range of alternatives is absolutely right. I do not lose too much sleep over supplies from Russia; throughout the cold war the Russians supplied gas unfailingly. I think that President Reagan tried to stop the British Government contributing to a pipeline from Russia—the liberty pipeline—but the pipeline was built and supplied gas. None the less, my hon. Friend is right; security of supply is important. One of the ways to ensure that is through diversity of gas suppliers, which will come about when we get liquefied natural gas as well as piped gas, and different types of road fuels and so on. However, I entirely agree with my hon. Friend's emphasis.

On that note, I bring my thoughts to a conclusion. We have had an oil shock with potentially severe impacts, particularly on poor people, and the energy poverty data are very worrying. I am not predicting the future, but there is potential for the position to deteriorate. I have touched on a variety of subjects in which the Government, even when working with the grain of the markets, have a relevant role. I would be grateful to learn what the Minister feels about the Government's positioning on those issues.

2.57 pm

Jo Swinson (East Dunbartonshire) (LD): I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on securing this debate on gas and oil prices and supply. It is particularly timely given the huge hikes in oil prices over the summer months. The impact of the hurricanes in the US, coupled with uncertainty in the middle east, has inflated the price of fuel. I would like to focus on what that means for people in our constituencies across the country and, let me put it bluntly, on fuel poverty.

For some people, a change in fuel prices makes the difference between heating their home properly or not. It is particularly fitting that, today, there are members of the National Pensioners Convention lobby just outside this Room, because many of those worst hit by rising fuel prices are pensioners. Figures from the Office for National Statistics suggest that each winter there is an increase of between 20,000 and 50,000—depending on how cold it is—in the number of pensioner deaths. Not all of those deaths can be directly related to cold homes, but fuel poverty is certainly a contributing factor in the increasing number of deaths in the winter.

[Jo Swinson]

It is estimated that there are approximately 1.2 million households living in fuel poverty across the UK. Of those, 1 million are considered vulnerable households. The Government's 2003 energy White Paper set targets on reducing fuel poverty. They included ending fuel poverty in vulnerable households in the UK by 2010 and eradicating it in England and Scotland by 2016, and in Wales by 2018. I appreciate that fuel poverty is not solely under the jurisdiction of the DTI—it obviously has an impact on the Department for Environment, Food and Rural Affairs and the Department of Health, too—but part of the problem when dealing with the issue is that no one Department is solely responsible for it. I would welcome the Minister's comments on that.

Competition between energy companies has actually lowered prices since 2001. The period since then has been good for consumers, and that has enabled many households to escape the fuel poverty trap. However, recent double-figure percentage rises in energy costs mean that those households that escaped the fuel poverty trap may be plunged back into fuel poverty this winter. National Energy Action suggests that, since 2003, gas prices have gone up by 20 per cent. and electricity prices by 15 per cent. Of course, that means that many households that were not previously considered fuel-poor will run into this problem.

I would also like to give examples of good news in tackling fuel poverty. Hon. Members may be aware that, in Scotland, there was a drop of 50 per cent. in fuel poverty between 1998 and 2002. That was achieved partly through two key initiatives: the central heating programme launched in 2001 and the warm deal scheme, which dates back to 1999. Those schemes were implemented for all pensioner households, regardless of the benefits that they received. Without being means-tested, they were entitled to have central heating installed in their homes.

Furthermore, properties were insulated and subjected to energy efficiency measures, which helps people to save money on their fuel bills year in, year out. Almost 40,000 households in Scotland have benefited from the installation of central heating. That obviously has an impact on fuel poverty. Using less energy costs less, so any measures that can be taken to help homeowners and tenants increase the efficiency of the energy used in their homes will certainly help fuel poverty. Such methods conserve scarce resources, too.

My hon. Friend the Member for Twickenham looked to the future and talked about alternative technologies. It is important to remember that it is much cheaper to conserve 1 GW of electricity than to create the capacity to generate an extra gigawatt. We must therefore make more efforts to encourage people to save energy in their homes and throughout business and industry. We must also pursue renewable sources of energy. They will be a huge part of the solution to the problem in the future. In time, such action will reduce our dependence on gas and oil and, of course, renewable sources of energy are cleaner and more sustainable.

The target throughout England and Wales is to increase the production of renewable sources of energy to meet 20 per cent. of energy needs by 2020. In Scotland, an even more ambitious approach has been taken; the target has been set at 40 per cent. We need to be ambitious about such issues and support industries that are developing those technologies. Their costs may be higher in the interim, but with the Government's support we should be able to ensure that, in future, not only will companies develop technologies that can help to meet our energy needs, but there will be huge economic advantages to the country. We need only to consider countries such as Denmark: it has become a world leader in wind farm technology, which will clearly become increasingly important in the future. I hope that the Minister will address such matters in his response.

3.2 pm

Malcolm Bruce (Gordon) (LD): I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on introducing the debate. I apologise for missing the first couple of minutes of [illegible] speech. He is an acknowledged expert on this subject, and his speech demonstrated how deeply he thinks about it. I freely admit that I have been engaged in energy debates for longer than I care to remember—long before I entered the House. Indeed, you and I, Mr. Cook, have shared the platform on such issues on more than one occasion. My constituency is heavily engaged in North sea oil and gas, so such matters are of particular interest to me.

My intervention in my hon. Friend's speech was not supposed to be alarmist. I take his point about Russia, but it is a matter of reflection—it was debated at the time of the previous oil shock in the 1970s—that we are heavily dependent for our oil and gas supplies on resources sourced in parts of the world that, if put together, have less-than-guaranteed political stability. Two responses are needed to the problem. We must first ensure that we maximise exploration, development and production of the areas that are more accessible and less vulnerable. Clearly, the North sea is paramount to the United Kingdom. Secondly, we must promote a wider range of alternatives to oil and gas that will cause less damage to the planet and extend the useful life of our oil and gas reserves by broadening the mix of fuels that we can use.

As for geopolitics, the oil price is a two-edged sword. A high oil price clearly brings into prospect supplies that have previously been uneconomic. I recently talked to several Canadian politicians and economists who were quite excited at the forecast oil prices that put a completely different prospect on the viability of the Athabasca tar sands in western Canada. At a price of $100 a barrel—or even $50 a barrel—the sands start to become interesting. They could have the resource that Saudi has produced at much lower prices. We will have to see whether that will be sustained and whether the investment will be forthcoming. However, I know where my judgment would lie if I had a choice between being dependent on Saudi Arabia or being dependent on Canada.

My hon. Friend the Member for East Dunbartonshire (Jo Swinson) alluded to my second point. In Scotland, we are promoting conservation and diversity of supply, particularly through renewables. I, and I am sure some other Members, have had experience of current developments in wind farms and wind technology. I hasten to stress unequivocally that wind technology and wind farms have a worthwhile

contribution to make. I have supported them in my constituency, where they have not always been popular; I have stood up and said that they are right.

I am pleased to say that I was at the opening of a wind farm just four weeks ago. It has proved economically successful and, interestingly, quite a local talking point and tourist attraction. That does not mean that every wind energy development everywhere is right, but it seems to me that such technology has a contribution to make.

I shall tweak the Minister a little, although I suspect that he may not entirely disagree. In Scotland, to achieve our 40 per cent. target, we recognise that the bluntness of the renewables obligation is what drives the investment in wind technology. We need to diversify. Oil and gas supplies are made more secure the more diverse the fuel mix is, because we become less heavily dependent on them; that diversity is also more environmentally beneficial. The Scottish Executive have added an incentive for those investing in wave or wind power, to spread the mix. I suggest to the Minister that his Department might want to consider that as it adapts south of the border.

I have probably heard too much about the threat to security of supply. Digby Jones always likes to attract attention and the easiest way to do that is to make dramatic suggestions such as, "The switch is about to be thrown on the British industry". Most of the people I talk to in the gas industry are confident that the investments being made to bring liquefied natural gas and other contracts on board will lead to a secure and reduced gas supply. However, I agree that we should not be complacent about that.

To my mind, it has always been important that we have a good relationship with our friends in Norway. Of course Norway wants to sell its gas at a high price. However, not to find a basis on which we can accommodate Norway would not be in its interest or ours. My conclusion is that we should look at the whole of the North sea. My hon. Friend the Member for West Aberdeenshire and Kincardine (Sir Robert Smith) will concur with me when I say that when he and I were in Norway last year, at an offshore North sea exhibition, there were some interesting discussions about the potential for joint development—particularly of fields that straddle the median line. The infrastructure certainly requires a partnership that involves Norwegian and British ownership and investment, even for fields that do not straddle the line.

This debate is timely. This country needs oil and gas and produces both. We still have a long-term stake in the production of oil and gas from our own resources, partly by diversifying the fuel mix and partly—this is my final, direct last plea to the Minister—by ensuring a regime that stimulates and encourages exploration and does not drive investment away by unexpected and abrupt changes in the tax regime. I assure the Minister that that has happened.

My hon. Friend the Member for Twickenham made a particular point about the smaller investors that the Minister has welcomed into this last round; they are the most vulnerable to such changes. If the Minister and the Government have made a pact—or an agreement or accommodation—to bring in small operators, I will not object; they are often innovative and can provide new techniques. However, it is also important to understand that they of all people need to know that there is a long-term stable regime that will enable them to bid for and secure investment funds, instead of them fearing that the regime could undermine their long-term viability. That has not always been the case, and I hope that the Government will learn from some of the past mistakes.

3.10 pm

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): As was said this morning while we were discussing a similar matter to do with the coal industry, we have an opportunity to make progress on some issues. I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on securing this debate. It enables us to focus on something that has been high profile and of great concern over the summer, and it provides the Minister with an opportunity to address on the record, in the House, the concerns that have been raised.

Before I go any further, I should declare an entry of mine in the Register of Members' Interests: I am a shareholder in Shell, an oil and gas integrated company.

I shall begin by addressing a subject that was tackled by my hon. Friends the Members for Twickenham and for East Dunbartonshire (Jo Swinson). It is clear that the most immediate and pressing problem with oil and gas prices relates to domestic users this winter and, potentially, next winter. The gas market in the UK is tight almost, but not completely, regardless of the world situation. Therefore, in the winter months when not enough gas supplies come to the UK to meet all the demand, the price will go up; and if the price goes up, that will affect both our constituents and industrial users.

We had many good years of competition, which gave us cheap energy, and I think that although Digby Jones is worried about this winter, he does not want to throw away all those years when we had the competitive advantage of a market in energy supply. However, perhaps the Government need to address how and why the market signals did not work well enough to take us into this winter in a better state than we are in.

When the Trade and Industry Committee looked into fuel prices, one of the things we were concerned about was gas storage and the delay in some of the schemes. In its response to the Committee, Ofgem said:

"We agree with the Committee that planning regulations are a key reason for the delaying of several storage projects which could have eased the situation last winter. However, planning regulations are a matter for Government."

The Government pointed out that planning is a balancing act because various issues have to be weighed up.

Do the Government have a view on what was wrong in the signals to the market that led to investors not getting into the process early enough to get over the planning hurdles? Should the planning hurdles be changed so that investors can get the storage in place? If we had more storage in place in the run-up to this winter, the market would not be so worried about the potential peaks of a downside—of a very cold winter—and therefore the forward price of gas would not have hit quite such extremes when people were trying to get secure contracts.

[Sir Robert Smith]

Another issue for the coming winter is power cuts. The Minister did not have time to address that this morning, but I hope that he will have time to do so this afternoon. How does he see this winter in terms of security and stability of supply? Is it just the interruptible supplies that are likely to be hit in a one in 50 winter, or might there be a wider problem that could affect our constituents?

My hon. Friend the Member for East Dunbartonshire made an important point about energy conservation. In the long run, energy conservation is a permanent victory because, regardless of what happens to the price of the energy, we will be consuming less, helping our environmental goals and helping to ensure security of supply because we will need less supply.

With regard to tackling fuel poverty, there are three pillars: the price of the energy, the quality of the housing stock and the income of the person living in the house. If the quality of the housing stock can be tackled, there is a good chance that when people move—and a lot of people do—they will still be in good housing, and that will help to deal with fuel poverty.

I ask again for more guidance from the Government. How will they take that next step in getting our housing stock right? If we do not do that through the building regulations, and if we do not press it strongly enough, will we not miss out? Even with the current high prices, televisions are often left on standby. People do not realise how the energy costs in their home add up. All the little things—such as filling the kettle up instead of just putting in a mug-full of water when they want a mug of coffee—add up to extra costs. People need more information.

On fuel poverty, we looked at debt and disconnections and the Government's response. One of the things we examined was trying to get more information to consumers about the priority services register. We are again going into a winter with much higher prices and there is a greater risk of people not being able to pay their bills, getting into trouble and getting behind. It is crucial that the elderly, disabled and those with health problems are on the priority services register, so that the energy companies know that they are dealing with someone who is at risk.

In July, the Government said in their response:

"Through DTI and DEFRA, the Government has also agreed to examine how other departments such as DWP and DoH can support companies' efforts to identify vulnerable customers and promote a range of relevant services, including the Priority Services Register."

Perhaps the Minister will say how, over the summer, the Departments have got together to take that forward, because the winter is nearly upon us. Here in London it is still quite warm, but back home it is already getting that much colder. It would be helpful if the Minister tackled that issue.

EU liberalisation has also been raised. There are two more months of the UK presidency of the EU, and the issue affects the UK directly. It would be helpful to know what the Government have done so far to advance what, I think, the Commission wants: the opening up and liberalisation of the markets in mainland Europe. While the UK, a liberalised market, is connected physically to a market that is not liberalised, there will be distortions in our price system.

As my hon. Friend the Member for Twickenham said, the link with oil is particularly distorting for us at the moment. There are historic reasons why customers wanted the link with oil, but now that there is a much more fluid gas market, such reasons are in the past. It is time to break the link. I hope that the Minister will give us an update on how far the Government are getting with liberalisation or—if they are very pessimistic of how far they will get—what alternative strategy they have to deal with the disconnection of liberalised and unliberalised markets.

Other colleagues, in particular my hon. Friend the Member for Gordon (Malcolm Bruce), have raised the vital role that the upstream sector in the UK—our own oil and gas—can play in a situation such as this and the importance of ensuring good investment. One of the triggers for this winter and the need for more storage is the fact that a lot more of our gas comes from fields that are produced with oil. Therefore, the flow of gas cannot be varied; it comes as fast or slow as the oil can be got out of the ground. We have lost the flexibility of having as much of our gas as we used to coming from plain gas fields. It is much easier to turn the tap off and on with them. That is another driver for the need for more storage.

It is also another driver for ensuring that the Government have a regime in place that maximises the investment in the next generation of exploration and production. There was a successful licensing round. The Minister may answer my colleagues' questions about some of the smaller entrants. Some of them are generating or working up potential prospects for larger investors to tempt them forward. The fallow field initiative aims to persuade people who have sat on old investments to liberate them, and that is to be welcomed.

The working of industry with Government through pilot programmes has made a big difference to the climate in the North sea and the understanding between Government and investors. When it comes down to it, the oil and gas in the ground is ours; it belongs to citizens of the United Kingdom. We license it to operators to take it out of the ground, so there will always have to be a close partnership between Government and industry in that sector.

The Chancellor is the one player who does not pull his weight and who has done a lot of damage. He lectures Saudi Arabia on maximising its production and investment yet, three years ago, he frightened away people from investing in the North sea. It is a little rich for a major oil and gas producer that has not been careful about shepherding its own resources to lecture abroad. In the long run, we all benefit if he gets it right, because the more investment there is in the North sea, the more gas and oil will be produced, the more tax he will raise and the more money will come into the UK economy.

The Minister needs to reassure us that the Government are on board in terms of getting the next phase of the North sea development done. The Minister is a regular visitor to Aberdeen. As he has said, the glass is half full and not half empty. We need to get that optimism across to help recruit the next generation of engineers, who we need to make that a vital industry.

Finally, I want to touch on the potential of renewables. Those with transferable skills in the North sea, wearing the badge of AREG—the Aberdeen

renewable energy group, which I am sure the Minister has already met—are trying to take the skills of the north-east of Scotland as an oil and gas expertise area, such as offshore engineering, and diversify into the renewables sector. A wave power machine has already been developed by Portugal, but has sadly not yet been bought in this country. Such an industry has the potential to be a major export industry. We missed the onshore wind industry—we let the Danes get there first—and we must not give up the slot to others when we have such potential, with our coastline, tides and waves. Recognition from the Government on the roles of diversification would be most welcome.

To reiterate, will the Minister answer the points about fuel poverty and the priority service register, will he give his view on the power cuts? Will he respond to the concern expressed this morning about accelerating the carbon capture and storage programme? A lot of heads around the Chamber are nodding when we talk about the pace of progress. We may just have missed the connection between getting the technology established and losing the easy route of disposing of the CO_2 into the North sea. If the Minister will address ways in which the Government can see the demonstration plant get up and running soon, that would recognise the issues raised this morning in the debate on the coal industry.

Will the Minister update us on the liberalisation of the EU market and what efforts have been made to date? How does he see gas storage being incentivised: by improving the planning process or by getting the signals into the market sooner so that the planning process can be got through at the pace it now takes? Finally, will he reiterate the commitment to the North sea? If we invest effectively in the North sea, we all win.

3.22 pm

Mr. Bernard Jenkin (North Essex) (Con): I congratulate the hon. Member for Twickenham (Dr. Cable) on obtaining the debate and on the comprehensive set of questions that he has tabled for the Minister. The scale of the task set for him makes me wonder how the Minister will manage.

As the hon. Gentleman pointed out, the energy agenda has suddenly become very big, but the Government have only one Minister for Energy—a Minister of State, not a Secretary of State. I say with the greatest of respect to all those present, that one hears that some officials are demoralised and fed up that energy does not carry more clout throughout Whitehall. That is no personal criticism of the Minister; it is a matter of the way in which the boss runs things. Many Cabinet figures have responsibilities that cross boundaries with the Minister's, but he is probably frequently not present to make his pitch on the issues that matter.

I reiterate what I said this morning: the proof of the pudding is in the eating. The Government have been in power for eight and a half years. A fair measure of success of a Government's energy regime is that they deliver on three crucial areas: prices that are fair and competitive, albeit not necessarily low; environmental outputs that meet the Government's targets; and security of supply. One does not need to be a rocket scientist to see that we have some of the highest wholesale energy prices in Europe, if not the highest, so the Government are failing on price. Our carbon emissions are increasing and the Government's failure in respect of electricity generation is ensuring that the carbon emissions from that source are increasing. The 2003 White Paper showed a heavier reliance on fossil fuel generation, so the Government are failing on that, as well as on security of supply. When the director general of the CBI—in his usual florid style—says,

"it's an absolute disgrace that we risk running out of fuel because of something that was entirely avoidable",

the Government have a bare-knuckle fight on their hands, as one might have said in the early 1980s.

High gas prices in this country have been caused by the failure of Labour's energy policy. In 2003, the Government should have been smoothing the transition to this country becoming a net importer of gas. As the hon. Member for Twickenham suggested, the Government should have been making a risk assessment of what gas supplies were likely to be, given different scenarios and given that the industry's forecasts might be out by a margin one way or another. Instead, the Government's energy White Paper ignored any possible approach to gas shortage and gave no incentive to invest in anything except wind power stations. We are all in favour of promoting renewables, but planning to spend nearly £1 billion in subsidy by 2010 on renewables—and, incidentally, failing to reach that target as well as everything else—and neglecting other failures in the oil, gas and electricity markets shows a degree of complacency or blindness that is breathtaking in terms of the Government's responsibility.

The Government were asleep at the switch and failed in their duty to provide adequate energy supplies. British industry is now paying a heavy price, if not in terms of interruptions, certainly in respect of what it is actually having to pay. A fortnight ago, I visited Amcor, a polyethylene terephthalate bottling plant in Wrexham, which operates in a heavily energy dependent industry. The plant is a subsidiary of an American company with plants elsewhere in the world, particularly in France, where it is able to make long-term contracts with cheap electricity suppliers, the result of which is that the British plant is woefully uncompetitive against its French counterpart. As we went around this state-of-the-art bottle manufacturing plant in Wrexham, someone commented that there comes a point at which investment in the UK becomes fruitless and investment elsewhere becomes much more fruitful. It is not impossible to imagine that high technology manufacturing equipment could simply be transported from Wrexham to Dunkirk, where the parent company has alternative facilities and would make much more money; in fact, it might make a profit there, rather than a loss on its UK activities.

This is the Government's responsibility; it is not something that they can give over to the markets. The Government are responsible for the market regulators and for ensuring that regulators are acting in the national interest. Markets were never a religion. The Minister looks astonished at my saying that, but he treats the markets as more of a religion than any Conservative. The present Administration inherited the regulation of energy markets from their Conservative predecessors but, extraordinarily, they treat competitiveness as a higher objective than almost any other. Their dogmatic adherence to internal

[Mr. Bernard Jenkin]

competitiveness ignores the fact that we have moved from big surpluses into possible deficits, that raw material prices have changed, and that we have gone from a cheap energy world to a high-price energy world. The Government have also ignored the fact that to achieve environmental objectives, they have bolted one policy after another on to the framework that they inherited. They have not had a proper review of energy policy in eight and a half years, and British industry and British consumers are now paying the price.

Opening the debate, the hon. Member for Twickenham referred to fuel poverty and the very big increases in electricity and gas prices that domestic consumers are having to accept. That knocks into a cocked hat all the Labour party's wailing and gnashing of teeth about VAT on fuel and the great fanfare with which they lopped 3 per cent. off the VAT on domestic fuel when they came to office. Consumers are now paying far more than that token cut in tax that the Government produced then. Is it right that consumers should bear the cost of diversification into renewables, particularly when energy prices have risen so much?

The system of renewables obligation certificates simply piggybacks on energy prices. At a time of high energy prices, certain questions arise. When the system was set up the ROC system was going to pay out £30 per kW and the consumer was paying £11 per kW in the market. What is the wholesale price of electricity going to be this winter—£35 or £40 per kW? The ROC system is still going to pay an extra £30 per kW. Should not the level of subsidy be sensitive to the price? Nobody talks about windfall profits tax on wind power generators, but everybody is ready to talk about it when the oil companies make money. If the wind generators are making huge extra profits, why not clobber them with a windfall profits tax? I do not advocate windfall profits taxes, I am merely trying to tease out the lack of internal logic in the Government's policy.

The Government are there to oversee the operation of energy markets and to ensure that any regulation and intervention that they make will work in the public interest. The Government have failed in that respect. They have failed on prices, on security of supply and on environmental outputs. They should have made a much more sober and longer-term assessment of the likelihood of an unexpected decline in the production of the United Kingdom's continental shelf production of gas. That is the Minister's job. Why bother to have a Minister for Energy or a Department responsible for energy policy unless they are going to look over the horizon and think up some scenarios in which things go wrong and have to be put right? The Government manfully resisted any obligation to oversee security of supply when we were debating energy legislation, but we all know the truth. When the lights start to go out, a Minister will have to make a statement about it at the Dispatch Box. When the lights went out under previous Governments—of both colours, I hasten to add—the domestic consumer took the hit in order to keep industry going. Under this Government, the big industrial users will be cut off in order to save the Government's face with the public. I do not advocate the alternative—

The Minister for Energy (Malcolm Wicks): What are you advocating?

Mr. Jenkin: I am just pointing out that the Government are doing everything to save face as they contemplate possible shortages of supply this winter. We all know from conversations that we have had with those in the industry that the Minister likes to present a calm and reassuring face in public, but when he speaks to people in private, his chief concern is about what will happen this winter. I commend him for that concern—it is the right concern for him to have, and nobody in this Chamber will seek to make life more difficult for him this winter or next.

The United Kingdom needs a long-term energy strategy that includes a complete review of how the energy markets are operating in this country, otherwise we will have other problems further down the line. The large combustion plant directive, for example, will cut in in 2008 and create more strain on the gas market as more coal generation is forced out of business and more gas plants come on-stream as a result. All that must be addressed by a Department that takes a strategic view of what is required for the regulation and operation of gas, electricity and oil markets.

Comments about maximising the life of the UK continental shelf by providing a stable tax regime are absolutely right. The Chancellor obviously gave the industry a horrible shock three years ago when he pounced on it for taxation. The difficulty that we now face is that public expenditure, which is astonishingly unreported and uncommented on in British politics, has increased by 8 per cent. of GDP in only five years and at a time of relatively strong economic growth. That is not sustainable growth in public spending. We all know that the Government should be repaying debt over a period of the economic cycle, but they have instead been increasing their borrowings. Sooner or later, the chickens will come home to roost unless the Chancellor is luckier than we can possibly imagine. He has had some luck, but there are those who believe that it will start to run out. No doubt the Prime Minister will have departed the scene by then, but the question arises: where will the Government get the money from? With high oil and gas prices, the industry is absolutely right to warn very sternly that an attack on the oil industry for windfall profit taxes, or any other kind of raid, will be a very serious setback for the industry.

I should just warn about one little panacea that we are all tempted to indulge at this particular juncture, which is that somehow all the problems in our oil and particularly gas markets are not the UK's fault at all, but the fault of those naughty Europeans, the French and the Germans, who have failed to liberalise their markets as they agreed to do in principle. We should be realistic. What are we actually asking France and Germany to do? We have liberalised gas markets, but we have the highest wholesale gas prices in Europe by a very long way. If France and Germany liberalised their gas markets, their gas prices would increase to reflect the increase in the oil price, just as ours have to a degree. We are basically asking France and Germany to increase

their electricity and gas prices for their industrial consumers. Do we really believe that they will do that? Is that realistic? We should be more realistic and recognise that liberalising the gas and electricity markets in the EU will take 10 or more years. That is not a solution to the problems that we face at the moment. By failing to invest in gas storage capacity, the Government feel asleep at the switch.

Sir Robert Smith: Does the hon. Gentleman disagree with Digby Jones that in the past eight years we have benefited from the liberalised market in terms of competitive prices for industry? Would not that be an attraction to those in other markets, who would be taken away from being reliant on state monopolies?

Mr. Jenkin: I do not disagree with the liberalisation of gas markets, but we should be realistic. The French have a long record of providing their industry with hidden subsidies and they will not suddenly take them away. That is how they operate in global capitalism. The same is true of the vertically integrated energy markets in Germany: the Germans will not take away the competitive advantages that are maintaining them at the moment. I am in favour of market liberalisation; I am in favour of a common market and I am in favour of the directive that is designed to bring it about. However, that is not going to fix the problem this year, or next year or in the next 18 months or anywhere near that.

As for alternative fuels, we are pushing for a much earlier energy review than the Prime Minister seems able to contemplate. I suspect that he is trying to avoid an energy review that clashes with the tenure of the present Secretary of State for Environment, Food and Rural Affairs, because she is a bit of a road block to what he wants to do about energy policy—which is to explore the possibilities of relaunching a nuclear new build programme. Perhaps the Prime Minister wants to delay his energy review until a change in personnel has taken place in that Department and elsewhere. Perhaps at that point the Minister for Energy will be propelled up the system and we shall be able to expect more clout on the energy portfolio.

Some other issues are being missed, such as biomass and biofuels. At a time when the Department for Environment, Food and Rural Affairs is effectively running down the production capacity of British agriculture because of the changes in agricultural policy, and when the sugar regime has changed so that sugar beet ceases to be an economically viable crop for the production of sugar, where is the Government's strategy for maintaining the viability of agricultural production and giving a little boost to the environment by promoting the growing of oilseed rape and sugar beet for the production of biofuels in the UK? It is not realistic simply to lop some duty off biofuels at the filling station; that will attract biofuels from other countries with perhaps less environmentally benign policies. I am not in favour of buying subsidised biofuels from, say, Brazil, where they cut down rainforest to plant sugar cane. That is not the answer. I want the Government to take the same kind of strategic approach to biofuels that they have shown themselves capable of taking to, for example, wind generation. There is a huge mismatch between the Government's obsession with wind, which will not deliver what they want, and all the other issues that need to be tackled.

At Trade and Industry questions just before the recess the Secretary of State promised a debate about security of supply this autumn. It is now the autumn. When will we have the debate about security of supply? It might be a good idea from the Minister's point of view and in terms of the Government's credibility if we had it before the cold snap.

3.42 pm

The Minister for Energy (Malcolm Wicks): I thank the hon. Member for Twickenham (Dr. Cable) for requesting the debate and for the sober and calm way in which he introduced it. That tone has been a feature of the debate: hon. Members have sought not to scaremonger but to raise serious issues on an important theme. Some might think that that tone went off a little in the last few minutes, but I do not want to be too churlish about the somewhat alarmist speech that we just heard.

In explaining my approach the matter, I am reminded of this morning's debate about coal, whereas we are now primarily discussing gas and oil. Perfectly reasonably, those subjects raise the general context of energy policy and its interface with climate change and social policy issues connected with fuel poverty. I shall try to remain fairly focused on gas and oil, although towards the end of my response I shall try to range a little more widely. I hope that that is acceptable.

Gas is, of course, the fuel of choice for household consumers and it now accounts for more than 30 per cent. of our electricity generation. It is a major source of fuel—indeed, it is a source of feedstock for industry. Oil literally lubricates the machinery of UK industry and ensures that our transport system runs efficiently. However, there is no denying—no one is complacent—that some significant challenges are ahead, particularly in relation to gas. As Great Britain moves towards increasing its gas imports—we became a net importer last year—we will need a new gas import and storage infrastructure. Developments in the oil market over the past few years also present a challenge.

Providing supply to meet demand is a commercial matter. The Government, the Department for Trade and Industry and Ofgem will establish a regulatory and commercial environment conducive to major new ventures and will work on individual projects to identify and help remove avoidable non-commercial obstacles. I am pleased to say that that approach has yielded excellent results. Three important new facilities to increase the amount of gas available to the UK market will be ready for this winter. The new liquefied natural gas import terminal at the Isle of Grain is already commissioned; a new gas storage project at Humbly Grove in Hampshire will shortly be commissioned; and a large increase in the import capacity of the interconnector from Belgium is due to be commissioned in November, which I am advised is a month early. Several other major projects are planned for the next winter or so, including further LNG import terminals under development at Milford Haven, Canvey island and, potentially, in north Wales. In other words, the Government's approach to security of supply is working well. At least £10 billion-worth of private sector investment will be made in providing gas to the UK market in the next few years.

Sir Robert Smith: In the Minister's long-term big picture, there will be new pipelines and new storage, but

[Sir Robert Smith]

will not a mismatch hit our large energy users, in that it will be a year or two years too late to achieve a smooth flow from the previous regime to the new one?

Malcolm Wicks: That is not altogether unfair. As Minister for Energy I would have hoped that some developments had come on line a year or two earlier. That is partly the result of the fact that the decline in oil and gas from the North sea happened at a faster rate than many in the market and in Government anticipated. I take the hon. Gentleman's point, but the developments that I have mentioned will help in part this winter, and over the next year or two they will make a considerable difference.

Mr. Jenkin: Will the Minister give way?

Malcolm Wicks: I shall, even though the hon. Gentleman spoke for quite a while. I shall take one intervention, then make progress on my speech.

Mr. Jenkin: My question is about the operation of gas markets. Representations have been made to me, and, I expect, to the Minister, that there is not enough transparency in the market. Large buyers cannot see into the supply chain—I might not be using the right expression—to discover the likely forecast of gas supplies month by month, perhaps over the next six months. We are getting what the market calls anxiety spikes in the price, but they might not reflect the true position. It obviously suits certain people that there should be anxiety spikes, but if information was available to the market, people could see that there would be enough gas and the big spikes would therefore not occur. Will the Minister consider that point?

Malcolm Wicks: Yes. I believe that Ofgem and the industry are looking at that, but some commercial sensitivities are involved. If I have more to say, I shall write to the hon. Gentleman.

I shall now make progress on covering the issues raised in the debate and answering some of the questions. Access to reliable and affordable supplies of oil is vital for the UK and the global economy. In real terms, current price levels are lower than the peaks seen in the late 1970s and early 1980s. A strong and unexpected growth in global oil demand, rather than a supply shock, has been the driving force behind the recent higher prices. Because of that increased demand, global production and refining capacity has become very tight.

In that context, I should say something about the response to the impact of Hurricane Katrina on the oil market. The International Energy Agency called on its member states to release 2 million barrels of oil a day over 30 days. The organisation was able very quickly to reach a view that the disruption to the world markets was large enough to justify releasing stocks. That was a remarkable achievement. It demonstrates the merits of the IEA's multilateral approach and the need for such an approach when dealing with the global oil market.

The release of stocks has improved the supply situation, and it has had a calming effect on the market and on prices. It was clearly the right thing to do and the timetable was right. Indeed, when I saw him in Washington a few weeks ago, the United States Energy Secretary, Mr. Bodman, said how grateful he was for the international response at a difficult time for our friends in the USA. The United Kingdom industry, as well as taking part in the release of stocks, was able to increase gasoline exports to the United States while ensuring that the UK remained supplied without domestic shortages.

Both oil-producing and consuming nations have shared interests and responsibilities in delivering more stable oil prices that enable sustainable economic growth. Our response was well summarised at the meeting on 23 September of the G7 Finance Ministers and central bank governors, who agreed on the key steps that need to be taken. Among the most important decisions that were made was to call for significant investment in exploration, production, energy, infrastructure and refinery capacity. The G7 also called for oil-producing countries to ensure a favourable investment climate, open markets with transparent business practices and stable regulatory frameworks. It said that subsidies and artificial price caps that constrain the price of oil and oil products have an adverse effect on the global market and should be avoided. We shall pursue such policies domestically and through the International Energy Agency.

I have been asked perfectly properly about the outlook for winter. Looking forward to the winter—it says here, although that is not the phraseology that I would have used—there are concerns about gas prices and gas supplies. The Government are taking those worries seriously. The Secretary of State for Trade and Industry and I regularly meet representatives from both the supply side and the demand side, so we have a clear view of the impact that such concerns have on business confidence. It is no secret that the gas market is likely to be tighter than in recent winters. Given normal weather conditions, however, there are sufficient gas supplies and electricity generation to meet demand, and even in the severest of winters, analysis shows that the market can maintain supplies by a combination of actions to reduce demand for gas. In all credible scenarios, the energy market will be able to deliver supplies to domestic consumers. Given the vulnerability of some of our constituents—not least the very elderly—that has to be the right priority.

For many years, our gas market has provided internationally competitive prices to Great Britain gas consumers—for example, our prices to domestic customers have ranked the lowest within the 15 EU countries since 2001 and are still 40 per cent. below EU median prices—but gas prices have been rising steadily since the summer of 2004. That is especially true in the wholesale market, where UK prices have been driven by continental prices that are linked contractually to oil. However, based on official statistics UK retail gas and electricity prices to industrial consumers remain 5 to 10 per cent. below EU median prices. I recognise that there may be a special problem for UK super-large industrial consumers, and I have spent much time meeting their representatives. They pay close to wholesale market prices, and their competitors on the continent do the same. Our analysis for the coming year suggests that UK forward prices will be roughly 15 per cent. above those on the continent. However, forward prices are already showing an expectation of narrowing

differentials between the UK and the continent, with UK prices only about 10 per cent. above continental prices for gas year 2006.

I have been asked about EU liberalisation. Prices on the continent are not fully market reflective, as so few of the energy markets in the EU are functioning properly. That is why making European energy markets work properly is a key priority for the UK presidency. A key element in our strategy is to push for proper implementation of existing legislation. We expect the Commission to ensure full compliance by all member states. That is why we are looking forward to the report that the Commission will be publishing later this year, which will evaluate progress made towards the development of the an internal energy market. However, full implementation of the liberalisation legislation may not deliver the competition that consumers need, so the Commission has launched a sectoral review of gas and electricity markets, with initial findings to be published later this year and a final report to be issued at the end of 2006. Those two reports should illuminate the state of the EU's energy market and identify what steps may be necessary to ensure its proper functioning. They also present an important opportunity for market participants and stakeholders to bring to the Commission's attention any problems that they have encountered when trying to do business in Europe.

Meanwhile, to try to address the problems already being caused to large users in the UK, my Department has set up a gas prices working group with industry and Ofgem. The group has now agreed a list of short to medium-term action points, such as taking measures to maximise gas supplies; encouraging demand-side response; and pursuing energy market liberalisation in the EU. It has also discussed ways for industrial consumers to adapt their purchasing strategies in the light of the changed situation.

A number of issues were raised in the debate and I might not address them in the right order. The hon. Member for East Dunbartonshire (Jo Swinson), in an important speech on the social aspects of energy, mentioned what we now call fuel poverty. I wish I had time to go into it in more detail. I am immensely interested in the subject and could write a book about it—indeed, in 1978, I did. After years of progress on the indicator to which she referred, there are now difficulties with rising energy prices. We need to marshal the resources that we now have through the warm front programme in England and its equivalents in Wales and Scotland, and through the obligation on suppliers to take energy efficiency seriously in the homes of people on low incomes. I also think that we should use the resources of other Departments, not least my former Department, the Department for Work and Pensions. Locally, the Pension Service now works closely with other agencies, social services departments and social work departments in Scotland. Such an approach will enable better targeting. We should remember the winter fuel payments—£300 for the over-80s and £200 for other elderly people—which have made a considerable difference. I take the hon. Lady's comments on the issues seriously.

Wider issues relating to renewables were raised. Again, I wish I could debate them at some length. The 10 per cent. target by 2010 is in place. and it should be achieved mainly through wind—hon. Members should not tilt at windmills. Wind energy will be an important source of renewable energy but we also need to develop other technologies. Britain—Scotland in particular—could become a world leader in some of them. There is an agenda involving energy efficiency, which we need to discuss more, not least because 27 per cent. of our CO_2 emissions come from our own homes. We need to focus on that.

I cannot say much more about the transport aspects today because I am not the Secretary of State for Transport. However, my Toyota Prius is waiting for me outside so I am making a small contribution in that respect. I had the opportunity of driving one of the first hydrogen cars when I was in Washington. I am, at least, aware of that important agenda.

It has been acknowledged that we are actively engaged with the industry in exploiting the UK continental shelf and the North sea as effectively as possible. I chair the partnership known as PILOT, whereby my Department meets with industry with the aim of establishing a dynamic relationship with the industry. In essence, the message is, "If we have given you a licence, use it or lose it. Exploit fallow fields and brownfields in the North sea." I think it that is effective, given our present situation. The fact that 20 or more new companies were given licences is exciting. We need to ensure that they deliver and get the investment they need, but I am excited about the entrepreneurship of smaller companies in the North sea.

There are now regular summit meetings between the EU and OPEC on energy issues. I am sorry that I have not had much time to address the remarks by the official Opposition spokesman. He made some derogatory remarks about my boss, which I will not follow up. I would say that at least it has not taken us five months to choose a boss. That is one of the differences between our parties. I found his views on the market fascinating. He seemed to be calling for far greater state intervention in the market. I always thought he was a true believer in the market, but he seems to be becoming a bit of an agnostic, which is a wonder to behold.

4 pm

Sitting suspended for a Division in the House.

Northamptonshire (Development)

4.10 pm

Mr. Philip Hollobone (Kettering) (Con): Thank you, Mr. Cook. I am grateful to Mr. Speaker for granting me this debate. I am grateful also that the Minister is here to listen to—and, I hope, respond positively to—the debate. For the record, I should state that I serve as a councillor on Kettering borough council and am also a member of the Campaign to Protect Rural England.

I shall start, if I may, with my conclusion and then attempt to lead the debate through the process of how I arrived at it. My conclusion is that despite Government promises that housing expansion plans for Northamptonshire would be infrastructure and jobs-led, that is increasingly proving not to be the case. Unless the Minister and his Department seize proper ownership of the delivery of their growth-area agenda and bring other Government Departments and their related agencies—primarily the Highways Agency—into line with their own ambitions, then as far as Northamptonshire is concerned, either the target number of houses envisaged for 2021–31 will not be met, or, if that is pushed through, it will be accompanied by poorer quality new housing than need be the case and a local transport network and local public services that are so overstretched and inadequate as to imperil seriously the quality of life for all who live in the county at the moment and make those new communities unsustainable.

As a matter of urgency, the Minister and his Department need to undertake a major strategic reassessment of the ability of the A14—the A1-M1 link road—and the roads off it to cope with the housing that is required to be built along it, and in particular of the need for an urgent solution to the traffic congestion around Kettering.

How have I arrived at that conclusion? A good place to start is at the beginning. As a result of the Government-led Milton Keynes and south midlands sub-regional spatial strategy, the final version of which was published in March this year, issues on development and its repercussions on local infrastructure and public services will be the dominant political issue in the Kettering constituency for the next 25 years. Under that strategy, north Northamptonshire, which comprises the boroughs of Corby, Kettering, Wellingborough and the district of East Northants, is expected to deliver about 52,000 new homes and 43,800 new jobs over the period 2001–2021 and a further 28,000 new houses in the following decade. The 52,000 new houses to be built by 2021 will be equivalent to a city the size of Worcester and there will be more of them than in any other part of the Milton Keynes and south midlands growth area.

The borough of Kettering is due to see 13,100 new houses built during that period, with further thousands of houses thereafter. That will increase the number of houses and people in the borough by more than a third by 2021 and even more thereafter. Other parts of the Kettering constituency outside the borough will also see housing expansion, although not on as great a scale. Given the housing expansion elsewhere in Northamptonshire, the county will see at least 145,000 new houses constructed by 2031, increasing its population by half. That will be a major step change for the local area and will change life for ever for all those who live there now and will live there in future.

I have to tell the Minister that expansion on this scale is not what local people would have chosen for their area. The rate of expansion is far more rapid than that set out in the 1996 Northamptonshire county council structure plan, which was democratically arrived at, and which has effectively been consigned to the dustbin of history. Expansion on such a scale is widely opposed in Kettering as being too great and too rapid.

There is clearly strong local support for the economic redevelopment of historically underperforming parts of the county—not least Corby, as well as parts of Northampton and Kettering borough—and support for the provision of more affordable housing in general. However, there are real concerns about the loss of valued local countryside and the creation of new and elongated conurbations, leading to the coalescence of separate, distinctive and historic small towns, with the subsequent loss of their identity. It is extremely disappointing that in the sub-regional strategy the Office of the Deputy Prime Minister has abandoned its national minimum target for 60 per cent. of new residential development to take place on brownfield sites.

There is also genuine concern about the fact that the local road network and public services are already overstretched; they will be stretched to breaking point unless urgent steps are taken to co-ordinate and provide the necessary funding for their improvement.

Having said all that, we are where we are. Like it or not, the sub-regional strategy is Government policy, and changes made by the ODPM last Parliament mean that the planning system is now driven by the top-down approach desired by the Government. The result is that local councils and planning authorities in the county are given far less latitude to resist major development plans than under the previous system. As that is the case, local authorities and other agencies in the county that are responsible for the delivery of these development plans and the provision of expanded public services want to work with the new system to ensure that the plans are delivered in the best possible way, so that the local population can make the best of future expansion for the county.

The West Northamptonshire Development Corporation, North Northants Together—the north Northamptonshire local delivery vehicle—Catalyst Corby, the North Northamptonshire joint planning unit and the local councils are all set to help deliver the growth that the Government require. These councils and other agencies have not been overly precious about their powers and have pooled their efforts in order to be more effective. Indeed, the districts of Corby, Kettering, Wellingborough and East Northants, together with Northamptonshire county council, are the first in the country to use the new planning system to create a joint committee for strategic planning, which is supported by a joint planning unit staffed by planning officers from the five authorities.

All the local agencies that I have seen in the county are of the view that, as a Northamptonshire County Council memorandum says,

"we in Northamptonshire have a solutions-based approach to problems, are committed to delivery and to sort out problems amongst ourselves. We need continuing support from government to inject the growth policy into mainstream thinking for the main government departments and their agencies."

Will the Minister confirm that he is committed to ensuring that the delivery vehicle for North Northamptonshire—North Northants Together—will succeed as a strong co-ordinator, and that it is properly financed out of public funds? There is widespread recognition that up-front investment in jobs, infrastructure and services is essential if we are not to repeat the mistakes of failed development opportunities that Northamptonshire has endured in the past.

There is also recognition locally that more resources need to be provided to the delivery agencies if progress is to be made. Sir Patrick Walker, chairman of North Northants Together, said that

"we need additional resources if the pace of our efforts is to be maintained. We are urging the ODPM to give greater recognition to the challenges faced by Growth Area authorities."

Given that NNT has not even been granted sufficient funds to maintain a full-time chief executive and is having to borrow a deputy chief executive from Kettering borough council for one and a half days a week to fulfil this role, Sir Patrick's comments would appear to be spot on. Sir Patrick also highlights that

"there are still major infrastructure issues to address, such as improvement of the A.14 road around Kettering and provision of a passenger rail service to Corby."

The message that the Minister needs to hear today is that although Northamptonshire wants to make the best of the housing expansion plans for the county, it is now being hindered in achieving what needs to be achieved by a lack of co-ordination and drive by central Government with regard to development-related funding and initiatives. That is not just my view: it is also, without exception, that of all the major local authorities and agencies that I met during the recess to discuss my preparation for this debate.

To put it bluntly, unless the Minister and his Department seize proper ownership of this growth-area agenda and bring other Government agencies—primarily the Highways Agency—into line with their own ambitions, these development plans will fail. The Government are saying, "Deliver this growth" at the same time as the Highways Agency is saying not to do so while the local roads are at their current level of congestion. That is clearly a failure of joined-up government of considerable proportions. The agency is looking at solutions 10 years or more hence, but local district councils are statutorily bound now to provide tens of thousands of new houses.

The same county council memorandum to which I referred earlier goes on to say that

"the main constraints to growth, especially in the north of the county"—

which is where the Kettering constituency is located—

"are major and need the pro-active engagement of the Highways Agency, the Environment Agency and others. They have to stop simply being gatekeepers and narrowly focused on their own immediate interests, and become actively involved in pro-active planning solutions. The Highways Agency have issued seven Article 14 Directions in Corby, effectively slowing down the growth and much needed investment there, and there are significant risks that more will follow in Kettering and Corby. This will reduce growth to a trickle."

Article 14 directions are issued under the Town and Country Planning (General Development Procedure) Order 1995, which limit or stop developments on the basis of inadequate transport infrastructure.

I have even been provided with evidence that a firm wishing to invest in high-quality jobs in Kettering—and itself located near the A14—is being told by the Highways Agency not to invest in the local area. It wants to locate on an existing industrial estate, and the agency has said that it is minded to issue a direction to prevent the council giving permission on already allocated land.

The A14 around Kettering is already operating over its design capacity; it is used by upwards of 70,000 vehicles a day. I understand—perhaps the Minister will want to confirm this this afternoon—that the Government are introducing congestion targets later this year. If necessary, that will mean that the Highways Agency will seek to control access on to the A14 at peak times, which will push congestion back on to the local road network. There are particular concerns over junction 7, located to the north-west of Kettering, which is now acting as a constraint on housing growth in Corby, and in due course will do the same for Kettering, when major planning applications come forward. Highways Agency assessments for major planning applications in Corby also appear to assume only background traffic growth outside Corby. That approach is patently wrong given the growth required from elsewhere, including Kettering.

A memorandum from one of the local planners involved in the development of the area makes it clear that

"unless the Government and the Highways Agency take a different view of the level of congestion that is acceptable on the A14, levels of growth in North Northamptonshire will be constrained below those set out in the Subregional Strategy until the Kettering By-pass is constructed. This is currently planned for 2017–21."

Indeed, in the final version of the sub-regional strategy published in March, this was the new timetable agreed by the Minister's Department, taking the expansion of this road back from 2012 to 2016. The Minister and his Department need to undertake as a matter of urgency major strategic reassessment of the ability of the A14 and the roads off it to cope with the housing expansion plans for the area.

It is true that a number of initiatives have been announced by the ODPM to encourage development and regeneration in parts of the county. However, the sums already announced fall well below the eventual hundreds of millions of pounds that my area will require. An increase in the population of 50 per cent. means a need for 50 per cent. more GPs, 50 per cent. more dentists, 50 per cent. more schools, 50 per cent. more hospital beds, 50 per cent. more police and so on. Far from being forward looking, most of the funding formulae for future revenue streams for major Departments look backwards to 2001 census data and not forwards to take into account the step change in local population that Northamptonshire is set to experience.

The Milton Keynes and South Midlands health and social care sub-group estimates that relative to the local population there are one fifth fewer nurses and one third fewer hospital-based doctors in the Milton Keynes and south midlands area than in the country as a whole. It also anticipates that the sub-region will see a 44 per cent. growth in population but an 80 per cent. growth in the demand for acute care. What is the Minister's Department's assessment of the total amount of

[Mr. Philip Hollobone]

infrastructure investment that will be required for the county up to 2021? I want to see the Government guarantee that that sum will be provided.

I thank you, Mr. Cook, for the opportunity to debate this subject this afternoon and I look forward to the Minister's response.

Frank Cook (in the Chair): Order. We have only 14 minutes remaining so any further contribution must be as brief as possible to give the Minister adequate time to respond.

4.26 pm

Mr. Peter Bone (Wellingborough) (Con): I shall be brief. First, I congratulate my hon. Friend the Member for Kettering (Mr. Hollobone) on securing the debate, which is of enormous importance to all who live in Northamptonshire, and particularly on his points on the funding formulae. I hope that the Minister will take those points on board. The formulae are retrospective; they should be forward looking. That is the cause of many of the problems.

Where are the plans for the increase in infrastructure needed for that rapidly expanding county? My constituency does not have enough of an infrastructure to support the people living there at the moment. In Wellingborough, people are unable to register directly with a GP. They have to travel outside the county to get an NHS dentist. Northamptonshire roads are the sixth worst in the country. A secondary school has been closed down and demolished, leaving many children without any education. Our police stations have now become part time. The chief constable states that he is 200 officers short.

My constituents have to travel a long way to get to the nearest hospital. The waiting times are long; operations are cancelled at the last minute. If someone is lucky enough to get an appointment, they can spend an hour looking for a car parking space at the hospital. We need a community hospital in Wellingborough with minor accident and emergency facilities. We used to have one, but that went as well. With the huge increase in population, which my hon. Friend the Member for Kettering has so eloquently described, it is about time that the Government delivered the proper infrastructure that my constituents and the people of Northamptonshire deserve.

4.28 pm

The Minister for Local Government (Mr. Phil Woolas): Not only do I offer the traditional congratulations to the hon. Member for Kettering (Mr. Hollobone) on securing the debate, but I congratulate him on the thoroughness with which he has approached the matter. I congratulate also the hon. Member for Wellingborough (Mr. Bone). They were courteous enough to co-operate in advance of the debate. I am conscious that many issues have been raised of substantial importance to their constituents and to the wider area. If I am not able answer each specific point, and the hon. Member for Kettering has had the courtesy to forewarn me, I undertake to give him a full reply in writing. I accept that it is an important issue for his constituents, as it is for the Government.

Before I move on to specifics, let me briefly set out Government policy on housing growth and sustainable communities, which forms the backdrop to the debate. We all know that the demand for housing is rising, especially in London and the south-east. Estimates show that by 2016, at least 1.1 million more households will be added to the current backlog of those without their own home in the wider south-east. In parallel, house building in the UK is not keeping pace with increasing demand. House building in 2001 was at its lowest level since world war two. The scale of housing growth outlined in the sustainable communities plan is essential if we are to tackle the problems of housing demand. We must build these homes. Indeed, figures published by the Office of the Deputy Prime Minister this week show that only three out of 10 of today's 10-year-olds will be able to buy their own home unless house building increases.

The Government have a duty to the population to meet the housing needs of the country. It is our policy to do so in a planned and sustainable way, taking proper account of the needs of individuals, the economy and the environment. We do not want growth at any cost; there must be high-quality, high-density development with the transport links and services that communities need. I think that the hon. Member for Kettering probably agrees with that statement of policy, and that it is the method of implementation that he questions.

What Government support is there for growth areas? There is a wide range of funding streams across Government that directly benefit such areas. The sustainable communities plan is a cross-Government agenda, and we are working closely with all Departments. A £1.25 billion ODPM growth areas fund for 2003–08 has been made available to support the four growth areas. The ODPM and the Department for Transport are providing a £200 million community infrastructure fund, and the Department of Health's growth-area-related funding package brings extra revenue allocations for primary care trusts in the growth areas, as well as an extra £20 million of revenue funding in 2004–06, which is being allocated to the growth areas. Primary care trusts in the growth areas will receive funding increases of £860 million in 2006–07 and £970 million in 2007–08. There is a strong case for saying that the money is there.

In Northamptonshire, about £60 million has been allocated to infrastructure projects over the past three years. We have invested in transport infrastructure with schemes such as the X4 inter-urban bus network, which links Kettering with Corby, Wellingborough, Northampton and Milton Keynes. We have also invested in the Rushden town centre link road. Our £8 million funding of a county-wide investment promotion agency has already been responsible for the creation of 1,500 jobs. There are other examples.

We want to continue our investment to support growth in Northamptonshire, and we have invited new schemes throughout the county, worth up to £50 million over the next two years, to bid for the second round of the growth area fund for the period 2006–08. That includes up to £5 million in Kettering for regeneration and urban renewal in the town centre and surrounding towns, up to £9 million for the Corby Parkland Gateway for town centre renewal and new housing, and £750,000 for environmental improvements in two of east Northamptonshire's market towns.

In addition, up to £6 million has been earmarked for the continuation of the Fit for Market/Invest Northants project, which brings high-grade employment opportunities to the county; more than £4.5 million has been provisionally allocated to greenspace projects across the county; and in west Northamptonshire a £25 million block grant has been provisionally allocated to the West Northamptonshire Development Corporation to help with regeneration.

I will now address some of the specific points raised by the hon. Gentleman. It is worth stating that the growth figure of 145,000 houses is not Government policy. The current regional spatial strategy extends only to 2021 and calls for 99,500 houses in the county. Growth figures past 2021 will be subject to full review as the next regional spatial strategy is prepared. Local authorities had ample opportunities to influence the content of that strategy: they made submissions and were present at the examination in public. Local authorities have always operated within housing targets set by strategic documents. In the past, structure plans set overall housing requirements. In the new planning system, they will be set by RSSs, as the hon. Gentleman knows.

There is also a great opportunity for the county. Sustainable growth, and the jobs, hospitals, schools and transport links needed to support it, will bring economic prosperity and town centre renewal, along with affordable housing that will benefit both the current and future residents of these communities.

The hon. Gentleman rightly expressed concerns about environmental protection. The Government have increased environmental protection as part of the sustainable communities plan. More than 70 per cent. of new homes are now being built on brownfield land compared with 56 per cent. in 1997. New building standards will mean that new homes are 40 per cent. more energy efficient compared with five years ago.

We will protect the historic villages and the distinctive rural character of north Northamptonshire by ensuring that growth is high density and high quality, and that it maximises the capacity of the existing built-up areas. The sub-regional strategy states that urban extensions, where required, must be sustainable and planned to prevent the physical coalescence of Corby, Kettering and Wellingborough. We are supporting the local authorities in this goal through, for example, the £4.5 million green-space funding allocated for the next two years of growth area funding.

The hon. Gentleman said that it was disappointing that the 60 per cent. target for new residential development on brownfield sites had been abandoned. We have not abandoned that target. He was, as he acknowledged, referring to a national target. National planning policy as set out in PPS 3 requires that priority be given to brownfield sites, and that policy approach will apply to development in Northamptonshire, as it will anywhere else.

On the hon. Gentleman's point about planning, local authorities have always operated to housing targets set by strategic documents. In the past, structure plans set overall housing requirements. Under the new planning system, those requirements will be set by regional spatial strategies, as I said.

The Government have already allocated a considerable amount of funding to the two delivery vehicles in north Northamptonshire to which the hon. Gentleman referred. North Northants Together received £934,000 during its set-up phase. This year, we have committed £500,000 funding, comprising revenue and capital, to the body, and we will continue with at least that level of funding in the next two years. We are in the process of working out the future level of funding available to this and other local delivery vehicles across the growth areas, and we hope to make an announcement on that in the near future. I hope that that will reassure the hon. Gentleman.

In the short time available to me, I want to put on record my response to the hon. Gentleman's point about the A14—a road with which anyone will be familiar who has travelled in his part of the world. The Highways Agency's approach to development and the possible impact on trunk roads is set out in circular 4/2001. The A14 is a core national route that links the midlands with east coast ports. It is also part of the European strategic road network. It is vital that those functions are not compromised by development in his area.

The Highways Agency is already investigating options for widening the Kettering bypass section of the A14. There are also long-term proposals for other sections of the A14 that link with the M1 and the A1. Together, these schemes will provide a long-term solution. Inevitably, however, major improvements such as these will take time to plan, design and build. In the meantime, we will need to consider also the potential of minor improvements and other solutions to help to limit the impact of growth on the functioning of the A14. The joint core strategy that is being prepared by the north Northamptonshire joint planning unit provides a key forum for considering in detail how to deliver growth while managing the impact on the A14. I agree with the hon. Gentleman that there are significant constraints on growth in north Northamptonshire that will need the pro-active engagement of the Highways Agency, the Environment Agency and others in order to be resolved.

The hon. Gentleman has made several specific and comprehensive points, on which I congratulate him. The time limit on these debates is such that I cannot answer all his points in detail, but I have information for him on the levels of funding that will justify the Government's policy, and some points for the future on infrastructure spending that I hope he will consider in response to his speech.

I undertake again to complete my replies to the many points that the hon. Gentleman has made, in writing, and to treat the debate as part of the dialogue that we are engaged in with him and the agencies in his area. It is important to the Government and to his constituents that we get it right.

Fun Parks (Megan Wilcox)

4.40 pm

Mr. Graham Allen (Nottingham, North) (Lab): I dedicate this debate on theme park safety to the memory of Megan Wilcox, aged seven, from the Broxtowe estate in my constituency. She died after an accidental fall at the Wonderland pleasure park in Farnsfield and the coroner returned a verdict of accidental death.

I have a petition with 6,000 signatures of local people, urging the Government to ensure that adequate medical assistance is provided at theme parks, which I take to include all commercially operated attractions open to the general public where children have access to play equipment. That will include amusement parks and locations similar to the one where Megan's tragedy occurred.

Megan's family believe that there were not enough first aiders on hand at Wonderland when she died, near a slide, on 5 September 2003. It is still unclear whether she tripped on a mat at the foot of the slide or fell after colliding with another child. My constituents, Megan's mother Kerry and stepfather Wayne, believe, as I do, that first aiders should be compulsory at attractions such as fun parks, leisure parks and the like. It came as a surprise to me, and may do to you, Mr. Cook, and to anyone listening to the debate, that that was not already the case.

Megan's parents cannot understand why what is compulsory at football grounds cannot be so at places such as Wonderland, which cater for children. As regulations stand, employers are obliged to provide first aid at work for their employees, but not for those visiting the site. Yet as I understand it, under primary legislation employers are obliged to ensure that those who visit their site or are affected by their work are not at risk. Similarly,

"the common law duty of care would require provision of first aid for the public".

That is a quotation from paragraph 150 of the health and safety guidance HSG 175. A contradiction is evident in that to lay people, if not to those who understand the nuances of legislation and regulation in this context. There is a contradiction between regulation, primary legislation and common law. To keep our children safe, that confusion must be resolved and clarified. I am glad to give the Minister a chance to do so today.

I know that the Minister has taken an interest in the matter. She answered questions in the House recently, on 18 July, and I have spoken to her on the matter. I have also spoken to the Minister in the Department who is responsible for health and safety, Lord Hunt. I know that the Department takes the issue seriously, and as it has been raised over quite some time I am sure that today we shall hear the results of Government thought and activity on the matter.

I do not pretend to understand the ins and outs of the legislation, and there may be several ways of proceeding. I am sure that the Minister will have considered those. One approach is to include the public with employees. The guidance from the Health and Safety Executive on safe practice at fairgrounds and amusement parks—HSG 175, to which I referred—is currently being reviewed and revised in conjunction with the industry associations, through a working party of the fairgrounds joint advisory committee.

I hope that the House will bear with me with this quite technical information which is none the less important for youngsters in the relevant parks. The revised document is currently with the HSE, in draft form, and is expected to be published in 2006. Revisions to that document address the continuing efforts of the industry, together with the HSE, to make amusement parks and fairgrounds as safe as possible. I urge the Minister to make it a priority to publish a revised HSG 175 as soon as humanly possible.

I am not clear about the status of the guidance, and I would be grateful for more information. First, does it apply to all fairgrounds and attractions, including those outside the associations represented on the joint advisory committee? In other words, it can be monitored by the professional bodies, but whom outside those associations—those who do not join the industry's organisations—will monitor it? Secondly, is the guidance to be used to determine whether attractions have met their duty of care toward the public?

I appreciate that only last year the HSE carried out a review of a separate item—the health and safety first aid regulations. That review was wide-ranging; among other things, it considered extending the provision of first aid to members of the public. Following the review, the guidance relating to the regulations remain unamended. It states:

"These regulations do not oblige employers to provide first aid for anyone other than their employees. Indeed, Regulations requiring first aid provision for members of the public cannot be made under the Health and Safety at Work etc. Act 1974. But many undertakings, for example educational establishments, places of entertainment . . . fairgrounds provide a service for others, and employers may wish to include them in their assessment of needs and make provision for them".

"May wish" is not strong enough, given the possibility of tragedies such as that which befell Megan.

The Minister and the Department may wish to reconsider the result of that review. Will the Minister make clear whether the provision of first aid for the public is part of the common law duty of care for a fairground, bearing in mind that the nature of fairground business is to admit the public, especially children, who are a vulnerable group? No change was made to the guidance after last year's review, but I hope that Megan's sad death will demand that it is reconsidered and that proper provision for the public at all entertainment parks is introduced.

Work could be done also to apply the same standards to all attractions. Local authority environmental health officers enforce health and safety law under the general direction of the Health and Safety Commission, not by the granting or revoking of licences. The system for deciding on a suitable first aid provision is by use of risk assessments alone. There is currently no requirement for theme parks to be licensed by the HSE or local authorities. Such legislation, were it to be introduced, could assist in specifying conditions with respect to public safety, including the provision of trained first aiders. I do not know whether the Minister wishes to go down that road—it may not be practicable—but I hope that it will be on the agenda should the Minister feel that she is not getting full co-operation from all the parties involved.

The current risk assessment system is meant to identify whether safety of the public and of employees is an issue, and whether it requires suitable action to reduce the level of risk. The system is meant to ensure that the level of first aid cover reflects the size and type of operation, and consequently the number of visitors. Mr. Colin Dawson, the chief executive of the British Association of Leisure Parks, Piers and Attractions told me that

"the level and qualifications of those providing first aid cover at BALPPA members' sites is of course dependent on the size of the attraction, number of visitors etc. Larger BALPPA member attractions such as Blackpool Pleasure Beach and Alton Towers operate significant medical centres way above the level of first aid. In other cases a suitable external agency is on duty, such as St John Ambulance."

He says that in all cases:

"BALPPA members provide suitable first aid cover, as identified by their Risk Assessments."

The trade organisation, therefore, takes a very responsible view, which is also the view of most people who operate in the field. I am pleased to say that Mr. Dawson continues:

"However, we would support any proposal that ensured that all attractions provided suitable cover when open to the public. A four day first aid qualification would be the level we consider as the most appropriate minimum standard."

I hope that the Minister, or Lord Hunt, will grab that offer from the industry and build upon it, so that our children can play in such places with greater security and greater safety. I understand that BALPPA is due to meet Lord Hunt to discuss the matter further.

Voluntary level working, while helpful, will always mean that non-BALPPA attractions can slip through the net. The reference that I made earlier encourages such attractions to join a recognised trade association, which can then—hopefully—ensure that they comply with required standards by monitoring their effective enforcement.

I hope that the Minister will bear it in mind that the size of an attraction is not necessarily an indicator of its risk. A large site that is well managed and maintained may well be safer than a smaller one that is not.

I believe that a further opportunity will arise to make progress on this issue when the HSE meets the industry on 30 November at its annual meeting to discuss health and safety in the fairground industry. Membership of that body includes representatives from all quarters of the industry such as the British Association of Leisure Parks, Piers and Attractions, the Showman's Guild of Great Britain, the Society of Independent Roundabout Proprietors, the Association of Independent Showmen, the British Amusement Catering Trade Association and the Amusement Catering Equipment Society.

I trust that the Minister will be able to tell us today that she will ensure that the issues arising from Megan's death and from this Adjournment debate will be raised at that meeting, including a review of the advice on first-aid provision for members of the public in HSG 175—the fairgrounds and amusement parks guidance. I also take this opportunity to ask the Minister if she will broaden the membership of the fairgrounds and amusement parks joint advisory committee and take action to enforce the recommendation that attractions that are not members of industry associations should join one.

I shall also make a brief point about fixed sites being treated differently from the temporary sites. I understand that for fixed sites, the current arrangements do not cover the public, whereas they do cover the temporary sites. That may sound rather strange to a layman such as me, but apparently that is the current situation. These issues and their remedies may sound technical, but they are literally the difference between life and death in relation to possible accidents at fun parks and other attractions.

May I make it clear that neither I, nor Megan's parents, to whom I have spoken in the past few days, are pursuing anyone. We are not trying to name people or attribute blame. On the contrary, our only concern is to improve safety and medical standards so that children in future—I have an eight-year-old daughter—can enjoy leisure attractions with the peace of mind that if an accident were to happen, adequate first aid would be available. That would be a lasting and fitting tribute, which the family would appreciate, to mark the bright, but all too brief, light of Megan's life.

4.54 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): Congratulations seems an inappropriate word to use in the circumstances that have provoked the debate. My hon. Friend the Member for Nottingham, North (Mr. Allen) has raised the issue and secured the debate in his usual courteous and committed way. By doing so he has raised an important issue and one on which I hope we can move forward together. I should also like to thank him for the opportunity presented today to consider the ways in which safety at fun parks can be improved. Obviously the case of Megan Wilcox is core to that.

As my hon. Friend mentioned, Megan Wilcox was a young child who died on 5 September last year. Before I go into some of what my hon. Friend has identified as fairly technical issues in terms of health and safety, I should like to extend my sympathy to her family and friends for their tragic loss. I am sure that other Members will join me in this. Nothing that we say here today can take away the pain that Megan's family and friends will feel, but we can look closely at the events and learn from them to build something better for the future.

First, by way of background, it may be helpful to review the accident rate in fairgrounds and amusement parks. The Health and Safety Executive's published statistics from 1996 to 2003 show a welcome downward trend in major accidents to members of the public at fairgrounds and amusement parks. In 1996–97, 432 people were injured. That fell to 100 in 2003–04, and one estimate suggests that the risk of death from a fairground ride is now one in 83 million. While that trend has to be looked on as encouraging, I know that we all expect that everyone involved in the industry will work together to ensure that it continues.

Let me now say something about the legal position. Fun park owners and operators, like any other responsible employer, have to provide healthy and safe working conditions for their employees under the Health and Safety at Work etc Act 1974. They also have a responsibility to protect members of the public from their work activities. The provision of welfare facilities for members of the public, such as first aid, is not addressed by the Act, and the Act specifically limits welfare regulations to employees.

[Mrs. Anne McGuire]

The Health and Safety (First Aid) Regulations require employers, including fun park operators, to provide first aid for their employees, but those provisions do not extend to members of the public. However, guidance on good practice that accompanies the regulations encourages employers to make such provision where there are significant dealings with the public. I will come back to this in a moment.

Although it will be of little comfort to Megan's family, the question my hon. Friend raises about extending provision of first aid to the public was thoroughly considered by the HSE over the past few years. In September 2003, the HSE issued a discussion document on the first aid regulations. That was the first full review and evaluation since they were introduced in 1981, although there had been changes to the accompanying approved code of practice and guidance. The HSE was encouraged by the response to the discussion document; more than 500 responses were received.

The review explored views on the current legislation and what changes could or should be introduced. There was a specific question on whether first aid for the public should continue to be provided by employers within a non-statutory framework or made compulsory through new legislation. I will return to that. The review was informed by prior research that also included the consideration of first aid for members of the public. It found that employers dealing with the public in large numbers, such as entertainment venues, generally make first aid provision for them, not least because of businesses' perception of the positive public viewpoint that this creates in enhancing their reputation. Conversely, where businesses do not make such provision, that was perceived as having a negative impact, especially if the treatment was neither timely nor effective.

The discussion document sought views on including a statutory obligation on employers to extend the provision of first aid to members of the public. The arguments were finely balanced, but the proposal was rejected by the majority of those who responded to it. The HSE concluded that there was already a good non-statutory response, especially in sectors that deal with large volumes of the public. Arguments that were weighed in the balance included the practicality raised by employers of having to cater for the public at large. First aiders were concerned about possible litigation, and said that they would reconsider volunteering if they were obliged by the law to offer first aid to the public. That is an indication of the litigious society in which we live. On 7 September 2004, the Health and Safety Commission agreed with the HSE's recommendations. Faced with that body of evidence, I do not believe that new legislation on first-aid provision is the way forward. I appreciate that that may be a disappointment to my hon. Friend.

It is important to note that the HSC has said that it does not necessarily see new regulation as the solution to all problems, particularly where there are other means of achieving the same end. Guidance, especially that developed in partnership with stakeholders, to which my hon. Friend alluded, may on occasion be a more appropriate solution. As he said, on 18 July I said that I would ask the HSC to explore whether local authorities could be encouraged to use their licensing powers to make provision of first-aid facilities a condition of licensing of theme parks and funfairs. The HSE has concluded that the scope for first aid provision to be attached as a condition to licences under the Licensing Act 2003 is extremely limited. That is because the Act does not apply to categories of entertainment such as fairgrounds; rather, it applies to certain activities, such as dancing, the sale of alcohol, performances of plays or films, and musical entertainment. In practice, it would make little real difference to the provision of first aid in the vast majority of fun parks in England and Wales.

The HSE therefore draws attention to the need to consider the provision of first aid to the public where organisations provide a service for others, such as places of entertainment, educational establishments and fairgrounds. That is set out in the guidance to the first aid regulations. The HSE has also issued authoritative guidance on fairgrounds and amusement parks, in collaboration with the fairgrounds industry, and advises on the provision of first aid to members of the public in fairgrounds and theme parks. Trained first aiders for the public can be seen as an important part, for example, of emergency planning arrangements.

In line with the HSC's strategy for workplace health and safety, the Government would like the industry to take ownership of and deliver solutions to such issues. A sensible approach to safety is to manage risk as far as possible, not to try to eliminate it entirely. As my hon. Friend also mentioned, the industry is best placed to ensure that risks are sensibly managed and that the public are protected from harm. That is the key to stopping accidents happening. The HSE and the Government are committed to doing all that we can to be good partners in achieving those aims. I have already mentioned that the HSE encourages employers, particularly those that have large numbers of the public using their facilities, such as fairgrounds and fun parks, to take account of the public and other visitors when conducting risk assessments and considering first aid provision. However, more can be done to encourage the fairground industry to ensure that current arrangements work as well as possible. The HSE's guidance is drafted so that it applies to all fairgrounds, not just those that are members of the trade association.

The way forward lies in promoting the non-statutory adoption of good practice tailored to particular circumstances. The majority of fairgrounds and theme parks already have a high standard of first aid provision, as my hon. Friend said. Indeed, in some cases, those standards are exemplary. But I would also like to challenge the industry to see what more it can reasonably do to raise awareness and spread good practice more widely.

The HSE has already raised this matter with some of the main stakeholders whose members make up the majority of theme and fun parks in Great Britain. The response, I am delighted to say, has been encouragingly positive. There have been more recent developments, too: my noble Friend Lord Hunt, the Minister responsible for health and safety in the Department, has recently had representations from the British Association of Leisure Parks, Piers and Attractions to

discuss health and safety guidance for fairgrounds. I know that Lord Hunt will be raising the issue of first aid for members of the public when the meeting goes ahead.

I have also asked the HSE to put the matters raised in this debate to the next meeting of the Fairgrounds and Amusement Parks Joint Advisory Committee on 30 November. The committee is chaired by the HSE and is attended by all the major trade associations involved in the industry, including BALPPA. It is the main vehicle for agreeing standards of health and safety in the sector. There is also specific guidance that is currently being revised with the industry's participation.

I would like the HSE to do two things. First, it should consider whether the information about first aid provision to the public that is already in the industry-specific guidance could be revisited in light of Megan's case. Secondly, it should provide further information to highlight the first aid issues raised by this case on the HSE website, which is the HSE's principal means of communicating with all stakeholders. The comments of Colin Dawson of BALPPA were interesting in that context.

Sadly, given the severity of Megan's injuries, it may well be that there would have been very little that any first aider could have done to save her, however quickly he or she arrived. However, I also recognise that Megan's parents, understandably, may never be entirely confident that that was the case. We have to understand their views. However, we should focus for a moment on the cause of the injuries and their prevention. Megan slipped and tripped over. That is the commonest cause of all injuries in the United Kingdom, both at work and outside work. Clearly, we have to look at how we highlight the issue of tripping. In this context, I welcome the initiative that the HSE is running this month called "Watch your Step" to highlight the issue to employers and the general public.

Finally, we should bear in mind that accident rates at fun parks remain low. That is due in no small part to the professional nature of the industry and the importance that it attaches to rider and visitor safety. We should never cease to learn from the lessons of tragedies such as these. Although we can never entirely remove risk from society, we can strive to ensure that people, especially children, live in a society that values and fully provides for their safety.

I once again thank my hon. Friend for raising these issues with me and with Lord Hunt. I hope that, together, we can use the lessons of Megan's sad death to build a safer environment in which children—and, in fact, all people—can safely enjoy entertainment.

Question put and agreed to.

Adjourned accordingly at eight minutes past Five o'clock.

Westminster Hall

Thursday 13 October 2005

[MR. MIKE HANCOCK *in the Chair*]

e-Government

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Tony Cunningham.]*

2.30 pm

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): Mr. Hancock, I am delighted to serve under your chairmanship for the first time. Today is the first occasion on which e-Government has merited its own debate, and I am delighted to have the opportunity of three hours to debate it. I am pleased to see so many of my parliamentary colleagues here to offer their own experience of and views about e-Government. The debate has matured since the heady days of the dot.com-fuelled enthusiasm that many of us witnessed. Today, e-Government and developments in information technology are central to our manifesto commitment to transform real people's lives through the transformation of public services.

We in Government have an ambition in terms of the reform of public services, which are increasingly personal. In another sense, "personal" means customer-focused: an extension of choice for the customer, giving greater control over how they access Government services. Customer focus also benefits the taxpayer in terms of efficiency and value for money. Very little of that ambition, which helps to provide the current momentum within e-Government, can be achieved without IT.

Let me turn briefly to some of my recent experiences during the parliamentary recess, when I witnessed at first hand citizens using IT to access Government services. I see some of my parliamentary colleagues whose constituencies I had the honour of visiting during the recess. I visited Eastserve in Manchester, a local online service for local people, providing them with low-cost wireless broadband, and playing a part in the regeneration of that community.

I met a mother who, four years previously, had been pestered—if that is the right word—by her children about why they could not have a computer in their home. Partly through the initiative of Eastserve, not only are they now accessing computers, but the mother is lecturing at the local college on aspects of IT. That is one person whose career has been transformed and a family given a real opportunity.

I also visited the Outer Hebrides, which are on the geographic periphery of the United Kingdom and, without IT, would be on the service and opportunity periphery. I met a crofter who was using IT to keep in touch with the different initiatives that affect his life and that of the industry. I met someone who was partially paralysed, but thanks to adaptive technology, he can now work from home. Thanks to the arrival of broadband in the area, he now operates as a schools network administrator, supporting every school on the islands. Not only has a life been transformed and a career rebuilt, but a community on the geographic periphery, and all its schools, has been served, and all that has been enabled by IT.

I was in Kent last week, where I met a different and perhaps even more challenging group of people. They were students and young people, who had a different experience of e-Government and IT. They were among the most IT-enabled and IT-literate people in the country. They made entirely fair criticisms of many official websites, saying that they were too wordy and too boring. I know many young people say that about many Government services, whether online or not, but we must find a way for Government websites to reflect the ease of access of some private providers and search engines. One of the ways in which that lesson has been learned is the creation of Directgov, for one-stop online access to Government services. That will increasingly evolve before its public launch next year.

I also met small businesses in Staffordshire to listen to their experience and to hear how they would like to access Government services online. Those visits and the visits that Ministers across Government make, not only during the recess but throughout the year, provide us all with lessons that we must learn. Today, however, I shall talk about more than the visits that I have undertaken and the people whom I have met. I shall talk about our ambition for e-Government, reflect on the challenges that we face and talk about our transformation strategy in advance of the launch of our IT strategy shortly.

First, on our ambition, our general election manifesto set out a vision in which the citizen is at the heart of public services. Historically, that has not always been the case. Too often, the service has been constructed around the needs of the provider, the council, the Department or the agency. One example that typifies the new focus for the future is a single budget for pensioners, cutting a swathe through the separate delivery silos that pull a pensioner from pillar to post. I am pleased to see my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks) here. He and I met a group of pensioners from his constituency during the recess.

We promised to adapt the strategy that was at the core of our manifesto, and such a focus is our ambition, but it will be achieved only through a thorough transformation of public services.

We face four challenges. First, our ambitions face the challenge of scale. Thanks to the nature of our government, which is not federal like that of other countries, we are the most ambitious in scale in respect of the IT challenge, be it managing the huge IT estate systems of our recently merged revenue Departments, or creating and managing 60 million electronic health records across dozens of organisations.

Secondly, our ambitions face the challenge of efficiency. The public sector is estimated to spend about £14 billion a year on IT. Although IT itself can generate efficiencies, we must be vigilant that we are not wastefully duplicating infrastructure and applications.

Thirdly, our ambitions face the challenge of delivery. We mean to deliver. We have already delivered large change projects; for example, the payment of benefits directly into the bank accounts of 22 million citizens of our country. We are in the process of delivering innovation. NHS Direct is a world leader, with 1 million visitors and 650,000 calls a month.

[Mr. Jim Murphy]

While I accurately and fairly celebrate such success, I must also acknowledge some of the delivery failures of the past. These have dogged Governments of both colours over the years. That is an honest assessment, but let me be clear: the vast majority of Government IT systems work. They are managed and driven by dedicated public sector IT professionals. They deliver services all day, every day and every month throughout the year, but a small minority of projects have had problems under this and previous Administrations. As we advance our transformation, we will ensure that we do not repeat the mistakes of the past. I shall go into those paths in detail later, if time allows, but first I shall highlight what we are already doing to deliver and to challenge and overcome the generic causes of previous failure.

The Office of Government Commerce has done sterling work despite the recent criticisms: transferring generic techniques and lessons from better management of public sector construction projects; recognising and developing the skills of our work force; and putting in better monitoring, better management of suppliers, controls at portfolio level and capacity planning.

No doubt some here today will claim that the recent National Audit Office report on the OGC's gateway process is critical of current Government IT projects. The report does show, however, that since its creation the OGC has had a positive impact in improving Departments' IT procurement. In 2003–04, value-for-money savings from gateway reviews were an astonishing £730 million. That said, the OGC recognises that there is still work to do and improvements to be made to the Government's IT procurement.

Let me take this opportunity to put on the record a quote from another NAO report which states:

"This evidence indicates that the Gateway Review process is improving the procurement of IT, and that this should increase the likelihood of successful delivery."

We are serious about efficiency, but we are also serious about modernisation and we are deadly serious about providing better services that change the lives of real people throughout our communities.

The final challenge of our ambitions is relevancy. We live in a world in which the old political contract between a deferential citizen and a paternalistic Government cannot deliver. We want a more grown-up relationship. We recognise the need for citizens to have both choice and voice: choice in how they use public services and a voice in how those services are created around them. Choice for those whose voice is traditionally not heard in this debate is essential.

Thanks in part to IT, families, regardless of economic background, will be able to receive the same high level of service. IT can help to dismantle the barriers put up by producers and the geographic environment. For example, the Citizen Direct consumer helpline and website create a common process and single interface for trading standards offices throughout the country. All complainants receive the same high level of service, not just the service that can be afforded locally.

Let us consider the process of accessing NHS consultants. Reforms to NHS IT will help to ensure access to the right help for all who need it. "Choose and Book" will put the patient in control. The truth is that command public services today are no more acceptable than a command economy. The 21st century's expectations of public services are a world away from those of 1945 and 1995. People demand quality, choice and high standards because they experience and demand that in every other walk of life, and we must meet those expectations.

Turning to our transformation strategy, I am confident that we can meet those four challenges by taking a strategic approach to transformation, but how do we open up the system, break down its monoliths, and put parents, pupils and law-abiding citizens at the centre? That transformation will occur and will meet those objectives only if we centre services on customers, citizens and businesses. That will be further enabled as we share services throughout the public sector effectively and it will be underpinned by professionalism in the way in which we conduct our business.

Citizen-centred services can be built up only by systematically engaging and listening to citizens, businesses and the front line of public services, not by treating them as distant, downstream consumers of outputs. We need to fixate on the customers' behaviour, motivations and needs.

I again stress the importance of personal insight and carrying out research properly. Last month, I took the unusual step of trying to find out which is the most remote place in the UK where we could examine how people access Government services online. I went to the Outer Hebrides but decided that that was not far enough away or remote enough, so I went to an oil platform half way to Norway to see for myself how IT is enabling people to keep in contact with their onshore life while working offshore. E-mail use has become standard.

I was pleasantly surprised to meet a gentleman who was completing the application form for his son's driving licence, which was the way in which he maintained his contact as a father, despite being 150 km offshore. Intriguingly, I met another gentleman who is using Directgov and other Government portals to keep in touch with a planning dispute with his neighbour when he is halfway out in the North sea. When we talk about the way in which we access and enable access to Government services through IT, we really must think about much more than the traditional ways in which those services have been delivered previously.

As we strive for a good service, we must learn from others, not only from other public bodies. Importantly, we must learn from the private sector, just as it will increasingly copy some of our best practice. We must also look internationally. The Canadians are implementing changes and reforms that have been brought about by online consultation and feedback mechanisms.

We intend to create a customer insight panel, more details of which may appear in our IT strategy shortly. What I shall say now, however, is that the panel and other innovative techniques will generate actionable insight that will allow the Government to advance the agenda.

As we survey and seek that insight, we must always be sure that the results are representative. Market research companies find it difficult to get a cross-section of the community—perhaps because of their socio-economic

or generational background—to participate. Other difficulties faced include some working-class communities, which have moved away from fixed lines towards low-cost mobile phones, and the refusal of some young people to participate in surveys. The customer insight panel must work carefully, so that we get a cross-section of all communities across the United Kingdom. It must not simply be an expression of the opinions of the most connected, the most vocal or, perhaps even, the most articulate.

All that aims for is the goal of personal service, which is tailored to an individual's needs and reflects a broader set of circumstances than the single dimension required by just one service provider. We may see new delivery chains being created through intermediaries and the citizens advice bureau. I am glad to see my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) here today, because during the summer recess I had the opportunity to meet some of those intermediaries and voluntary organisations to discuss how they would like to see Government IT develop in the years to come. They provided a useful insight, which we might hear about from my hon. Friend, into how they would like to see Government IT focus on their needs and enable them to support the communities in which they work.

I shall now turn to the issue of shared services, which has attracted considerable attention in the media. It is the second of three key parts of our transformation strategy that I wish to address. The transformation to which we aspire will occur only if we adopt a new approach to joined-up service delivery across the public sector, one that will break down the silo culture of delivery. Departments that share corporate services such as HR and finance could create 20 per cent. efficiency savings.

Shared services also mean building more effective links between central Government and local government and the wider public sector. Some councils already share contact centres, which allow citizen questions to be answered first time and on the front line. I visited several of those during the summer recess, in south Lanarkshire, Tameside and elsewhere.

The final area that I wish to focus on is professionalism. Professionalism is at the heart of our transformation strategy. Mr. Hancock, I sense that many IT professionals have had a series of jobs rather than a clear career path. That must change. The nature of that change will be contained in our IT strategy when it is published.

The quality of our transformation depends on our empowered front-line staff ensuring that value is delivered in every call or client meeting. That quality also depends on those working behind the scenes. They require the skills to do the job that we encourage and ask them to do.

At programme level, we must also ensure that we have improved our professionals' capacity to plan, deliver, manage and govern our IT change. To that end, we shall lead a new approach to the Government IT profession. That approach will mobilise the IT professionals' skills, ideas and talents across public services. That will enable other professionals across the civil services, especially the front-line staff.

Overall, the focus on professionalism will increase citizen confidence in the effectiveness of our services, in the security of our services and in our ability to improve their real lives. Having outlined some of the challenges that we face in e-Government, Mr. Hancock, I wish to thank all hon. Members who are present. I look forward to their contributions, questions and observations.

2.51 pm

Andrew Miller (Ellesmere Port and Neston) (Lab): While my hon. Friend the Minister was speaking, I was reflecting on the fact that it was some 35 years ago that I first sat under your chairmanship, Mr. Hancock—although not in this place. I will not remind you of the event as you may rule me out of order. I was looking at this debate from the point of the view of the progress that has been made over recent years. We should not knock the significant steps that have been taken in unbelievably difficult circumstances. Few Parliaments and Governments have found perfect solutions. Indeed, none have. The ones that have made the most significant steps are ones that started with blank sheets of paper.

The new emerging democracies in central and eastern Europe have some interesting and innovative systems. At the Cabinet meetings in Estonia the system is so sophisticated that there are no papers. Estonia may only be the size of many of our county council areas, but it had the huge advantage of building systems around a design of democracy from the bottom up. We do not have that advantage, and therein lies the biggest single problem that we face in empowering our citizens in the complex processes of government.

My hon. Friend may have picked this up before, but one of his predecessors said in 1998:

> "The vast majority of people do not differentiate between Central and Local Government services. I know this when I go to my surgeries—people don't know whether I am a councillor, an MP, the CAB or whatever. They come because they have a problem and all they want is a solution to that problem. And that just reflects that people do not live their lives in easily defined compartments. Better Government attempts to recognise this and aims to overcome those institutional barriers so that services can be delivered in ways that take account of real people's real lives."

That was the focus back then and it remains the focus of the work that is being undertaken inside Government. We should not underestimate the complexity of doing just that.

When I wrote a paper for the Government in 1998, the prime example that I used to illustrate success in this area was the Australian centrelink project. I still commend it to people as an exceptionally far-reaching project that has been able to provide services to people in small towns and remote areas in a comprehensive way. Again, the Australians had a couple of significant advantages. First, the population base was considerably smaller. Secondly, the infrastructure and the pipe work around the country was enormous and over-engineered by virtue of earlier decisions made by successive Governments. It was not deliberately planned that way; it just happened, and modern Governments exploited it well.

Centrelink, which was launched in September 1997, provides under one roof a range of customer services that were then parts of the Department of Family and Community Services, the Department of Education, Training and Youth Services, the Department of Health

[Andrew Miller]

and Family Services and the Department of Primary Industries and Energy. Centrelink has expanded since then. The services are comprehensive: they are one-stop shops where citizens can get advice online from experienced office staff who provide front-end services to meet the needs of many people.

My hon. Friend's predecessor rightly asked why on earth citizens should know the details about the boundaries between the various levels of the state. The concept of single points of delivery at physical locations or through web-enabled solutions is, as a target, worth moving towards and pressing forward with. It requires a huge amount of political will, and, despite the sterling efforts of the Cabinet Office, there is still a lot to do. That includes knocking heads together. It also includes ensuring that the principles established in the e-envoy's office empower his team to bring together Departments to set common information and communications technology standards, ensure common routes by which people can get advice about designing systems, and stop the creation of stand-alone projects, except where essential.

Those recommendations were in my 1998 paper, which I still commend to my hon. Friend. Many things have happened and many positive things have emerged since, but politicians must make political decisions to ensure that through the exploitation of modern technologies we get the best out of the systems that we wish to create to serve the population.

My hon. Friend will recall that when he met people in my constituency, they did not simply draw boxes around and compartmentalise the lives of people whom they were seeking to assist. Whether it was the citizens advice bureaux, the Siroptomists or whoever else contributed to the discussion, people told us that they were considering the life chances and life events of people, and how they were addressed. They were unconcerned by the boundaries of Department A and Department B; they were looking for solutions. That must be the focus of the Government's activities.

I commend the approach adopted by Ian Watmore's team in the e-envoy office. It has built on some of the earlier work, and it now focuses on internal departmental issues. That must drive us towards consideration of our relationship with local government and the voluntary sector, because there is no point in reinventing the wheel. If systems can be brought together through a common delivery channel, that should happen. We should not be jealous of our little part of the system and protect our staff from the intrusion of other Departments. There should be genuine openness and sharing that begins with only one premise: what is the best way to deliver the appropriate level of service, which we have determined politically, to meet the customer's needs? One of the best ways of doing so is asking customers and I commend my hon. Friend for embarking on a programme of doing just that. We need to build up systems that do not include boundaries between central and local government or, indeed, between the voluntary and the private sector. We should not be afraid of creating common channels.

We need to remember that IT is just a tool. It has enormous potential to help us to improve the way in which we serve the citizens of this country, but if misused it can be a pain in the neck. We know that occasional mistakes have been made by successive Governments, and my hon. Friend was right to acknowledge that. No one made those mistakes through malice or stupidity; it is just that it is difficult to see the big picture because government is complex. Translating what seems like a brilliant idea for service delivery to one part of the population into something that comprehensively works and provides benefits for all Departments is easier said than done.

We should look with pride at some of the services that are up and running, which my hon. Friend gave as examples. We should tell Ministers to make sure that they work through the Cabinet Office, or the appropriate agency, to ensure that Departments learn from each other. No more projects should take place in isolation; we should have a co-ordinated approach. Let us see if it is possible to emulate some good ideas, such as centrelink, to provide a better service to the people we represent.

Speaking to people throughout the House, I do not think that there is an enormous political divide on the matter. There is a fear of the technology. Technology is merely the enabler; it is not the hard bit. The political will is the hard bit, and I urge my hon. Friend to take that message to the Chancellor of the Duchy of Lancaster, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton). I wish him every success in winning that argument in Cabinet, because the political will must stem from there.

In 1998, I argued for a Minister for IT for just this reason. I still happen to believe that that is necessary and I am not being disparaging to my hon. Friend, but it ought to be someone of Cabinet rank. He will certainly be in the Cabinet in the not-too-distant future. When he gets there, he should take this baton with him and knock heads together to ensure that we get the co-ordination necessary to get the best out of the technology.

Mr. Mike Hancock (in the Chair): Thank you. It is much easier to chair a meeting in which you are taking part today than it was 35 years ago.

3.4 pm

Anne Snelgrove (South Swindon) (Lab): This is my first speech in Westminster Hall, so I am not used to it yet. I hope hon. Members appreciate that and forgive me if I have any minor lapses.

I am pleased that the debate is being held because the subject is important and will grow in importance. In my constituency, and throughout all constituencies, groups of people could easily get left behind in this great movement. They are on lower incomes and from what we traditionally call working-class backgrounds. I want to concentrate on those people in particular, as well as making some general remarks. I will give examples from my constituency of when e-Government—in particular, when it involves local and national government coming together—would be helpful. I hope that it will be used in the near, rather than the distant, future. It is a necessary step that we are taking to put every citizen at the heart of government.

I completely agree with my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) that government is difficult for people to understand—it is

difficult for us new Members to understand, let alone our constituents. As he rightly said, we all know from the inquiries we receive that people misunderstand what is involved in local and national government. My post bag is always full of education questions and housing problems, which I take up cheerfully on behalf of my constituents. However, that demonstrates a misunderstanding of what we do here and what Swindon borough council does.

We should not underestimate the empowerment that e-Government could provide to the individual, to us in our jobs in Westminster, and to councillors in their jobs in Swindon and other areas. However, we have to overcome some necessary hurdles if e-Government is to close, rather than widen, the gap between the empowered and the powerless in society.

I represent South Swindon, which is well known as a hub of expertise in technology. I hope the Minister agrees that British-based firms are best placed to help us provide solutions in e-Government. I want to highlight the value of e-Government and the hurdles that we must overcome, and to urge the Government to procure more IT solutions from British businesses.

Research has revealed that the UK is increasingly becoming a digital nation. The number of British households with access to the internet has increased more than fivefold since 1998. The rate of that increase is an indicator of the growing importance of the technology. In the fourth quarter of 2004, more than half of British homes were connected to the internet. In 1998, the figure stood at just under one in 10.

Despite making strides in the number of people online, there are the problems of the socially excluded and of whether, by increasing the emphasis on the internet, we are not increasing the disempowerment of those who do not have access to it. We must endeavour not to create a two-tier system, with a technology-poor underclass. A study published last month for the Improvement and Development Agency—IDeA—warned that e-Government at both national and local level largely ignores the needs of hard-to-reach individuals and is failing to promote social inclusion adequately.

I think e-Government could help with a constituency problem that worries me. The Minister will no doubt be aware that one of the main indicators of social deprivation is the number of children on free school meals. Crucially, that is used to determine the funding that local authorities and schools receive. It also triggers many other funding streams and is one of the factors in a school's PANDA—that is not an animal that is under threat; it stands for performance and data analysis in schools. A school's PANDA is crucial. It is what its funding is based on and what it is judged on when it has inspections. It provides an indication of how well schools are doing in the league tables, how good their GCSE results are and so on.

In my constituency, as in those of other hon. Members, the local authority and schools quite rightly lobby me constantly about funding. Swindon is a low-funded local authority. It is in the bottom 40. We are all concerned to ensure that we continue to increase school funding, and not just the capital amounts, but the baseline funding too. I have explained to my local authority that another way of getting funding is to up the figure for children on free school meals, if it needs to review that.

However, there is a difficulty with that. Churchfields school in my constituency is for 11 to 16-year-olds. I ought to declare that I am a governor. The head teacher, Mr. Flavin, investigated the free school meals idea, as I suggested. Much to his dismay, he discovered that parents must fill in a complex form to qualify for them. As we know, many parents who come from deprived social backgrounds are either not willing or not able to do so, particularly those who have English as a second language. They must fill in a complex form and physically take it and their income support book across Swindon to Sandford house, which is one of the council's buildings. It can then take up to six months to process the application. It is no wonder that of the 350 parents—parents of one third of the roll—whom Churchfields has worked out are eligible for free school meals, only 133 have filled in the form.

The school plans to take action. It is thinking about sending teachers and staff to homes to help the parents fill in the forms and also to tell them that they do not have to take up the school meal if they do not want to, but that it would help with funding. I do not know whether those plans have been completely formulated.

The school is seriously disadvantaged. It is not judged in the way that it should be—on its results—and it receives less funding, as does my local authority. How much easier it would be for the teachers, the school, the parents and the children if there were an e-Government system that enabled the form to be filled in online, the council to receive it immediately and action to be taken immediately. After all, that funding does not come out of the local authority's pocket but straight from the Government. Of course, we may have a problem later if more children are on free school meals and the funding increases, but I am sure that we will be able to find a solution to it.

We must consider that type of problem and think about how we can use technology to offer a solution to the schools and to the children in my constituency and throughout the country.

Andrew Miller: My hon. Friend should also reflect on the fact that the data that are required for those people to qualify for free school meals already exist in some part of the state. One of the questions is why there should be a wretched form in the first place.

Anne Snelgrove: My hon. Friend reminds me of one of the difficulties. Social services claims that the Data Protection Act 1998 forbids it from using information that it already has in the system. *[Interruption.]* I am glad that hon. Members are indicating that that is not so. I shall have conversations with them outside the Chamber to determine whether we can advance this initiative in South Swindon.

I was pleased to visit the citizens advice bureau in Swindon during the summer recess. I was impressed with how it uses e-technology to help people quickly and efficiently. It can get everything, including all the briefings, online. Its staff use touch screens. I was most impressed by that and wish that I had such a system for my advice surgeries. We could all give a better response

[Anne Snelgrove]

to our constituents in the short time that we have if we had such technology at our fingertips. I would love to access it. Getting broadband and getting into my e-mails was quite difficult during the summer. This place must make some advances if we are to access that technology.

More generally, I note that the UK has slipped down a rung in the e-Government league table. I am sorry about that. This year it stood at joint 10th position in the annual rankings, down one place from last year. I am sure that the Minister will push for it to go up even higher next year. As he stated, Canada leads the way, followed by the United States. Interestingly, in the US, where one might expect people to be more internet-savvy, four in 10 citizens surveyed by the Pew internet study responded that they would rather use the telephone than the internet to pursue inquiries. So, even in countries where internet sites are most attractive and easy to use, there is still a problem with public trust. There is a great deal of work to do with the most deprived people in my constituency to boost their confidence and trust in IT.

Hon. Members raised some interesting points at Question Time yesterday. For example, the Government were urged to intervene to procure more of their IT solutions from British businesses. I wish to associate myself with that. As I said, Swindon has always been at the forefront of e-solutions, with examples such as the Cable and Wireless internet solutions centre and, of course, Intel.

We know that the barriers between people and technology can be broken down—that is how we have all ended up using mobile phones. We all remember the "bricks" that were first used by builders—so the apocryphal stories went—in the 1980s, but the phones are different now. Swindon businesses have always been at the forefront of the technology, and so they are best placed to break down some of the barriers between people and e-Government. I thank the Minister for trying to get to South Swindon during the summer recess. It could not quite be managed, but my door is always open, as is South Swindon's. I know that the Cabinet Office will be launching a web-based portal to enable innovation by those who want to work with the Government. I will ensure that businesses in my constituency that wish to take part receive details of that.

The Government have made a commitment to raising IT standards throughout our schools and that is borne out in Swindon. I take a special interest in education and have made it my business to visit most of the schools in South Swindon. I have seen some wonderful information and communications technology suites during my frequent visits, and I pay tribute to the Government for releasing the funding to ensure that such things are developed.

Access to ICT facilities has been improved for pupils, parents and the local community in that way. In Swindon there is an average computer to pupil ratio of approximately 1:8 in primary schools and 1:5 in secondary schools, which is very good. With the IT revolution happening in our education system, and citizenship classes—at last—returning knowledge of government to our schools, perhaps there is an opportunity to combine the two so that the next generation can begin to harness e-Government technology, whatever background they are from. However, I leave hon. Members with the frightening thought that we may all have to take a course in text language to understand the inquiries that come in from our younger constituents.

3.18 pm

Gordon Banks (Ochil and South Perthshire) (Lab): I thank my hon. Friend the Minister for introducing the debate today, in which we are all endeavouring to give our expert advice on the thorny issue of e-Government. I also thank the Minister for taking the time out from his busy schedule, as he mentioned earlier, to visit Ochil and South Perthshire during the recess. During that visit he discussed with a group of my constituents their experience of IT and of e-Government. I believe that we are addressing a fundamental issue in this debate. If people have no ability or opportunity to use IT, they will never use e-Government services. I shall spend a few moments speaking about that matter before moving on.

In the group of my constituents who spoke to the Minister during the summer, a fair number of elderly people had no first-hand experience of IT, and some made it clear that they had no intention of ever having any such experience. From experienced users we heard the well-rehearsed argument—as the Minister acknowledged earlier—that websites are often not user-friendly, and that many seem to be designed with little or no thought for the user or the users' varying levels of ability. That is important, because if we are to encourage the IT-deprived parts of our communities to dip their toes into the water, we want them to have a good experience, not a bad one that could result in their never returning. All website designers, whether in the private sector or in the Government, have a real duty to present services in a straightforward manner. That can be done; there are some excellent sites out there, but there are also some absolutely frightful ones.

Access to computers was another issue raised with the Minister during his visit to my constituency. Many people cannot afford their own computer or the charges made by internet service providers. What are the Government doing to widen the availability of IT, especially to the old or disabled?

Moving on to e-Government, the Minister will not be surprised to hear that some of my constituents believe that the Government do not yet match the IT opportunities provided in the private sector. The private sector sites seem to be much more approachable and inviting than traditional Government sites. I was delighted to hear from the Minister, during this debate and yesterday, about the launch of the Government IT portal, which allows access to all e-Government services from one point of entry. The Minister is aware that I have been calling for that for some time. It will benefit businesses and the general public, but we must get the message across in simple, understandable language that the portal creates faster, more efficient services.

However, we must also provide human assistance for users who have difficulties with online services to resolve their problems and reassure them. There is still significant distrust of the medium in large sectors of the population. When people deal with the Government online, or in any form, they are often providing sensitive information that they hold dear.

The Government's targets are, first, to make access available to all those who want it by 2005—this is 2005, and I do not believe that we have reached that point yet—and secondly, to make all Government services available online by 2005. We have heard about the steps that the Government are taking towards that goal. We have heard about the launch of the portal, which will provide such access, and I congratulate the Minister on that step forward. I hope that the move will allay the criticism made in the European Commission's Eurostat report of May 2005. However, we have a long way to go. More people visit the BBC's and *The Guardian*'s websites than visit Government websites. Although 31 per cent. of businesses access Government information online, 46 per cent. in Australia and 96 per cent. in Sweden do so. Only 3 per cent. of the public in the UK have sent forms in online, whereas in Luxembourg, the figure is 21 per cent.

I refer to what the present Minister for Europe, my right hon. Friend the Member for Paisley and Renfrewshire, South (Mr. Alexander), told the House in 2003, when he was Minister at the Cabinet Office. He said that Canada, through its single citizen portal, was the clear world leader in the field. That remark has been reinforced once or twice today. Although we still have progress to make, we are getting there. People can now report a crime online through a well-designed and user-friendly site, which is excellent. People can complain to trading standards, as we heard from the Minister. People can report benefit fraud online, complete income tax self-assessment online—if they really want to—locate childcare online, or apply to university online. I believe that over 160,000 did so in 2003.

People can claim winter fuel payments online, buy a television licence online, or apply for a passport online—some 64,000 people do so every year. However, we must go further. Could we not expect to pay our council tax online? Should we not all, as patients, always have the ability to book appointments with our GPs and specialists online? Should we not be able to complete forms online, rather than just printing them out for completion by hand, which is often the case with certain sites?

I know only too well from running a small business how difficult it is to keep abreast of good practice and legal requirements. I commend the Department of Trade and Industry on its recent introduction of a scheme designed to make such information easily available to people who run a small business. I urge the Government to promote it even further, because in the small business sector, a lot of people do not know that the service exists.

I welcome every co-ordinated step that we take to increase the range of Government services available via the web, but we must ask ourselves whether we are doing enough to improve access for the elderly, disadvantaged and disabled people who are major users of Government services. Many of those people are computer literate, but we must also take into account those who are not. For example, are the 6,000 UK online centres doing their job right? Are there enough of them? What assistance is there for users with special needs—people who have difficulty with a form, users whose sight is impaired, or someone who gets into difficulty? People need to be assured that online applications are the same as the paper applications that can be obtained from the post office or from another source. We must ensure parity of presentation and information.

I urge the Minister and the Government to do more, at a pace. Yes, the potential is huge, but we must get it right by making online services every bit as understandable as the traditional form, or even more understandable. We have a great opportunity in that respect; the potential for growth is huge, but we must not stifle it by providing insufficient opportunity for today's customers.

As I said to the Minister when he visited Alloa in my constituency recently and heard about people's online shopping experiences, this is a transient phase but one that we cannot afford to lose. We can go into any school today and see tomorrow's generations of e-Government users, but let us not miss the opportunity to help today's users.

3.26 pm

Margaret Moran (Luton, South) (Lab): I, too, welcome the opportunity to debate this issue and I commend my hon. Friend the Minister for his remarks. Those who are not participating in the debate may feel that those who are doing so are a bunch of IT nerds and sad techies, but I have no IT knowledge whatever, as my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) will confirm; he has just had to fix my pager.

The debate is not about IT itself but about having a passion for transforming public services so that they can be delivered to those who need them most in the most appropriate way for those citizens. It is deeply political and central to what this Government are about. We tend to lose that point in some of the debates that go into techie language on the minutiae of portals and so on.

There is passion in Government, and I commend the funding. Way back in 1997 when we talked about e-Government the deeply cynical said there would never be enough investment, but there is more than enough investment. In the most deprived part of my community, Bury Park, along one street—Dunstable road—there are at least four or five IT centres. Every school is so IT-connected that one cannot move for the number of up-to-date white boards, computers and every IT gadget one can imagine.

The Government's passion for delivering the agenda is proven; we have delivered on our target. People say that the Government produce targets but do not deliver, but here we are. We will achieve our target of 100 per cent. services online by the end of the year and the expected £1.2 billion in efficiency savings by 2007–08. That is also to be commended. It is fundamentally recognised by the Government that a transformation agenda has not only produced those efficiencies but can deliver the quality services that our citizens deserve.

Hon. Members will forgive me if I sound a little frustrated; as leader of Lewisham council, prior to entering the House, I was one of the people who were advocating and delivering the e-Government agenda in the mid-1990s when some of it was not fashionable. When I was leader, Lewisham was one of the first councils to deliver online, joined-up services. My background was in housing; we recognised that the delivery of housing benefit to the most deprived people

[Margaret Moran]

was appalling. How could a Labour council justify delivering some of the worst services to those who were most in need? We set out about joining up our housing benefit services online, linking housing and the Department of Social Security. There were issues of data sharing, but we fought through them to ensure that that service went from very poor to excellent.

Leadership and passion need to be shown in local government to prove that such things can be done, rather than falling back on the sometimes simplistic argument that things cannot be done because of data sharing and various other "can't-dos". This is a can-do agenda and I know that one thing the Minister will be doing is driving that passion and enthusiasm and the can-do agenda through e-Government.

We have to ask ourselves, however, whether we have gone far enough in some of the things that the Minister said he wants to achieve. Have we gone far enough in central and local government to break down silos? The old departmental-itis is still with us. I get very frustrated, particularly when local authorities tell me gleefully that their services are online, but they are not joining them up. Have we identified what "online services" or the 100 per cent. target mean?

My local council in Luton claims almost to have met its target because it has set up a brand-new call centre. Actually, the response times in that call centre, as external auditors have shown, are appalling. The quality of service is not good, but the council is able to tick the box to say that it has online services. There is something fundamentally wrong not only in the definition of e-Government services, but in the quality of those services.

Have we done enough to make e-Government citizen focused? I want to return to that. Have we done enough to ensure, as other hon. Members have said, that the services reach the people who need them most and not just the usual suspects, giving them another opportunity to lobby for the extra services in the way that they lobby already and a greater advantage in access to services? Citizen-focused service delivery is essential, and the quality framework for UK Government website design and human-centred design standards have been successful. Their use should be the norm rather than the exception for central and local government.

Have we done enough to achieve the wired society? That is one of our big challenges. Like other colleagues, I have argued for some time for one IT Minister, not simply because we want excellent people such as the Minister here to be in elevated positions, although we do, but because there is more to the e-Government agenda than simply local and central government. We should be looking to a wired society.

Those of us who visited Canada many years ago saw how schools were joined up to skills training, education and service delivery. There was a unified offer to citizens not only for delivery of certain services, but across the board, including the voluntary sector. When we went to Canada, its greatest claim to fame was the online moose hunting licence. Perhaps that was not the best example to show us in those days. Nevertheless, the vision was good. We need to consider how we can make maximum use of all our IT opportunities for all our citizens and not just those in public service delivery.

Have we done enough on the take-up of IT services? As has been mentioned, we have slipped down the league table slightly. There was a little thing called the general election, which may have taken our eye off the ball slightly. We must ensure that we are up there with the leaders—the US, Canada and the Nordic countries—and we have much more to do to ensure that online services are the preferred channel in the UK. We have to admit that in the course of this project we have not always been wholly successful at ensuring that Government sites are the most exciting and accessible. Let us be blunt; in many cases, they have been difficult and boring. Until the UK matches other Governments, let alone the private sector, in terms of quality, efficiency and accessibility, we will not reap the full benefits of e-Government.

Social exclusion has been referred to, and it is at the heart of everything I have been involved with in terms of this agenda. It is important for the Government to realise that large numbers of people who have contact with them are elderly or disabled. For many of those people, using conventional keyboards and equipment is very difficult. If one adds to that a complicated and ill-designed online system, clearly the appeal of the system is diminished.

More elderly people are going online; indeed, the number is growing exponentially. However, in terms of the social exclusion agenda, we must ensure that they are not excluded because of the lack of simple and accessible systems, systems that are simple enough for us—MPs such as me—to be able to access.

I do not believe in the arguments about the digital divide being impossible to resolve. The social exclusion agenda that I see increases social exclusion. I was involved in one of the first online discussions between parliamentarians and citizens about issues of concern. It was a project called WomenSpeak and involved survivors of domestic violence. We made it our target to reach those who were least likely to have any contact with any agency.

By definition, survivors of domestic violence are in that position but, even beyond that, we asked who was least likely to have any contact with any agency and least likely to go online. We extended the outreach and the first survivors online were a group of Irish women travellers in the north of England. The second group was Bangladeshi women in Luton in my constituency. People said that it would be impossible to set up such a project, but it was not and its success is that those Bangladeshi mums are still online using school facilities and have skilled themselves. Most did not have English as a first language and their lives consisted of home, school and nothing else. They are now IT literate and have access to a world that was not previously available to them and to skills and opportunities that were not previously available to them. Far from creating a greater digital divide, IT can increase access and opportunities in a way that we must pursue with even greater vigour.

Reference has been made to the problem of confidence in our IT systems and, like other colleagues, I think we must do a great deal more to ensure that we build that confidence. I have heard it said that the fragility of confidence in the delivery of Government systems is such that we are only a scandal away from

another meltdown. That is the popular perception of where we are with Government IT systems and service delivery.

We must remember that some of our IT transformation projects are the largest of any Government anywhere in the world. Goodness knows, the Department for Work and Pensions has some problems, but the level of transformation and the IT projects are enormous. Of course, we must address the failures, but, like other colleagues, I think we should commend those projects that have been successful. As chair of EURIM—the European Information Society Group—I am pleased to say that we are undertaking to bring forward and highlight those Government projects that have been successful and have been delivering e-Government but are not generally acknowledged.

Are we delivering the services that people want? I have referred to the departmental silos that still exist in central and local government. There is still too little joined-up service delivery. I had a vision about four years ago, which I presented to the then Minister, when I said, "This is your challenge. If you can deliver this"—we have not—"you will have cracked joined-up online services." It was an idea for survivors of domestic violence to be able to report and resolve their problems online. Why should a survivor of domestic violence have to visit their housing benefit office, housing office and social security, as well as trail their kids to the education service and, perhaps, Citizens Advice at a time of absolute crisis and homelessness? I will throw that challenge to the Minister again. Those who need our services most should benefit most from a joined-up online service provision.

I wonder whether what we are doing is far too much top-down, rather than bottom-up. I sometimes despair of local government recreating its services as they are online without any transformation. I have seen it far too often. I have also despaired at the lack of citizens' involvement. I commend the Minister for his comments about ensuring that we have citizens' involvement and feedback. We urgently need online feedback loops. We urgently need online consultation. We have to ensure that e-democracy is integral to this e-Government offer. That is a completely different debate but one that is essential if we are to have ongoing improvements in service delivery.

If our citizens are to have choice, as well as receiving services online, they need to be able to tell us online whether those services meet their needs and what else they feel is appropriate. We should look more at whether some of the large resources going into local government need to go into the community organisations and social enterprises who are doing the bottom-up, joined-up service delivery.

I am trying to get funding for a project in my constituency called Click Bury Park, a service that is being designed online by young Pakistani and Bangladeshi men who have the highest unemployment rate in my constituency. They are designing a one-stop service shop so that people in the Bangladeshi and Pakistani community who are most deprived and who are least likely to access a range of services can find information about those services on one portal in their languages and in an accessible form.

That is the community doing it for itself. It is about regeneration, access to services, information and training those young people. It brings all sorts of benefits. They want to do e-democracy. They want to talk about forced marriages online. That is the sort of innovative project that we should support. But because it does not fit in a box, the funding streams do not allow it to be funded. There is something seriously wrong when we have a system under which one bit can be funded, but not another.

Andrew Miller: Just before the general election, I took a young woman who represented a group called MumsOnline to see the then Minister for Women. That group is doing the precisely the same kind of work. I would agree with my hon. Friend. I commend the notion of finding potential voluntary sector or not-for-profit partners who could be the agency for delivery of Government information services to a particular community of interests, be that a group of young Pakistanis or the much broader group of young mothers that could be scattered all around the country. This concept needs to be re-examined by central Government.

Margaret Moran: I thank my hon. Friend for that. If we are to get greater innovation and choice, citizens have to be involved in creating and delivering those services online. That is the way to ensure greater take-up of services online. Partnership working is key. The Government have referred to partnership working in terms of larger IT companies joining with smaller companies or social enterprises. That is a new announcement and I am slightly cynical; I wait to see the delivery on that. There are issues around joint procurement as well as joint service delivery.

Importantly, citizens themselves must design and build some of those services. That is the way in which we will truly achieve e-Government. It will be achieved, in particular, through those people who most need the services being able to ensure that they receive the services that they need and, preferably, to take part in the project; designing it and obtaining that choice of public service delivery that the Minister is determined to achieve.

3.44 pm

Martin Horwood (Cheltenham) (LD): I agree with the hon. Member for Luton, South (Margaret Moran) that there is some risk of our being accused of being nerds. I was described as an "anorak" by the Liberal Democrat Whips office not only for agreeing to speak in the debate but for having it in my diary before I was asked.

Mr. Mike Hancock (in the Chair): That is very sad.

Martin Horwood: Indeed, Mr. Hancock, it is deeply sad. I confess to having a background in database marketing, mainly for national charities' fundraising departments, and to being an early adopter of gadgets. I represent a constituency that is a leader in the field of database-driven marketing, which is one variety of IT.

Andrew Miller: And is home to GCHQ.

Martin Horwood: Indeed, my constituency has great technological expertise in GCHQ, although most of us do not know what it does with it, and it is not allowed to tell us.

[Martin Horwood]

What were once called new technologies are fast becoming mainstream. My wife and I found our house on the internet; we bought our car, booked our holiday, pay all our bills and do our weekly shop on the internet. One much-loved old technology after another, from analogue TV broadcasting to 35 mm camera film, is set to be overtaken by the digital revolution. The distinctions between our phones, our cameras, our computers, diaries, radios, alarm clocks and notepads are fast disappearing as technologies converge and overlap. Several hon. Members have mentioned, however, that not everybody is included in this revolution; the less technically literate, the less well-off and some older people are excluded from it.

An interesting statistic from the Office for National Statistics shows that although home internet access for the UK population as a whole is about 50 per cent., it is 89 per cent. in the highest income decile and only 15 per cent. for households in the poorest income decile. That statistic can be addressed only partly by making IT more available. The hon. Member for Luton, South (Margaret Moran) said that this also involves, for instance, making websites more simple, understandable and user-friendly, and involving the user in their design. I agree with that, but we must always have the fallback of human or paper-based options for those people who, for whatever reason, are resistant to the use of IT and may never be able to access it in the same way as others.

From my own marketing background, I am acutely aware of the potential and the risks of this revolution. When visible to the consumer, information and communications technology offers the opportunity, to paraphrase the Government's e-Government strategy,

"of transforming the experience of users of goods and services, enhancing their delivery, and radically widening access both to goods, services and information."

There are plenty of good examples of that.

I have used the Inland Revenue's self-assessment process and it is a good example of how the online system can be made more user friendly than the paper form, because it rather brilliantly does the maths for you. Another example, which I am glad that the hon. Member for Ochil and South Perthshire (Gordon Banks) briefly mentioned, is university admissions. The Universities and Colleges Admissions Service is based on the edge of my constituency, and the Minister is welcome to come to Cheltenham to see a superb example of an online system.

UCAS—the Universities and Colleges Admissions Service—is moving towards a 100 per cent. electronic application, and it has created a system that is continually updated in real time, so that students applying for universities can check the day-to-day progress of their application. The system will provisionally allocate places as it proceeds. It is quicker to use; it makes managing applications easier and less time-consuming; and it is more flexible and more accurate. UCAS says:

"As the electronic age becomes part of our lives, young adults demand facilities online."

It told me quietly that that was less true of some of the academics handling the applications, but that only reinforces the point that some people need support in using IT.

UCAS makes it clear that although it is aiming for 100 per cent. online application, it will always be able to provide at the very least a printed-out form. The form does not even have to go to a printing company but can simply be run off as needed. A paper-based alternative will always be available as a fallback.

Another good example is NHS Direct. It followed the good commercial example of HSBC's First Direct, which has been a pioneer in using information technology in a people-friendly way, first with its phone lines and then moving on to a user-friendly online presence. After 1989, First Direct set a world-class example that has been followed by bafflingly few commercial companies. Many companies are far more willing to leave people with menus of choices, something that approximates to recorded music and blind alleys that they get caught in after endless loops.

It is interesting that one of First Direct's latest innovations is a webchat service for online banking, thus reintroducing the human element. I hasten to add that I am not pitching for a corporate donation to the Liberal Democrats from HSBC. The new service could even extend to face-to-face contact online. The company is trying to make the systems more human, not less. Too many companies have taken the opposite path. I hope that the Government will take note and do the same with NHS Direct.

The example of commercial database-driven marketing is that what is invisible to the consumer also matters a great deal. In marketing today, professionals can choose to analyse personal data from three main sources. Each source can be overlaid on the others to target consumers with a degree of refinement that sends marketers into ecstasy but might well scare many consumers. First, geodemographic data based on census information place people in hundreds of market segments based on postcode, age, gender and social characteristics. The result is hundreds of standard market segments, from corporate chieftains to bedsit beneficiaries, from fledgling nurseries to burdened optimists. The company Experian offers its clients categories such as small-town seniors, who are defined as mixed populations of lower-income pensioners and middle-income workers who live in second-tier seaside resorts and small semi-rural communities. Its groups are that specific, and it has 242 others on offer.

Such bought-in data can be overlaid on in-house transactional data, whether on product usage, purchase or membership patterns, order values or inquiry patterns, and then perhaps overlaid again on attitudinal information gleaned from consumer surveys. If precise information on an individual is not available, it can be inferred and projected on to them—roughly speaking, by assuming that a person is somewhat like their neighbour, either their geographical neighbour or their neighbour in terms of transactional patterns. That is all very entertaining when the worst mishap that can befall someone is not to be targeted with a particular variety of nappy or marmalade. It is less funny when it prevents someone from getting an affordable mortgage or insurance, especially if the data are wrong or misleading, or if they result in the targeting of less sophisticated consumers by less scrupulous companies.

The reason I raise the issue is that, in theory, all that wonderful information manipulation is available to the Government too. The right data pattern in the wrong

government hands could trigger not the offer of a sale but an extra level of surveillance, for instance. It is no wonder that data protection and privacy legislation and action are so essential and that freedom of information rights need to be so jealously guarded. Otherwise, we would have a dramatic shift in the balance of power between the state and the individual. Therefore, the Government should take note when their own advisers issue dramatic warnings. The Minister may guess the example that I am about to quote, which is the Information Commissioner's concern about the Identity Cards Bill. *[Interruption.]*

Mr. Hancock (in the Chair): Order. Through the Chair, please.

Martin Horwood: I believe that the Information Commissioner is an adviser to the Government, in one context. A document from the Information Commissioner's Office states:

"The extent of the information retained as a core part of the National Identity Register is unwarranted and intrusive, the system of operation envisaged by the government also raises additional serious concerns. The government proposes that a data trail should be created of when a card is checked against the National Identity Register. This will show who checked it and when ... thus building up a picture of an individual's card use and a detailed picture from this of how they live their lives."

In marketing terms, that is transactional data.

There are other areas in which we must proceed with some caution.

Andrew Miller: Does the hon. Gentleman accept, given his expertise and his particular constituency, that the state has, for many years, had the power to engage in the type of surveillance about which he is concerned? Indeed, the technology that marketeers use is based, for example, on work that Ordnance Survey does. Therefore the power is there, but is not the hon. Gentleman sufficiently confident in the robustness of the democratic process in this country to be certain, as I am, that no Government would abuse that power?

Martin Horwood: I wish I were, but the Information Commissioner is worried. In his detailed submissions on the Identity Cards Bill, he pointed out that it was not necessary to identify people to maintain that register at national level. We should at least be on our guard. As I said at the beginning, I did not argue against ever holding such data at Government level. It should be ensured, however, that rules on data protection, freedom of information and access to people's records are in place. If there is no need for a national identity register database such as has been proposed, I would warn against it.

It is right to encourage e-procurement. The Gershon report anticipated local government year-on-year savings of about 2.5 per cent. over the next few years. We must be cautious in expecting those savings all to be delivered exactly as planned. Cheltenham borough council found the implementation of e-procurement a little clumsy. There was a slightly simplistic expectation of predictable savings in exchange for new technology investment grants. Councillors were also concerned that the pattern of procurement might shift from smaller local suppliers to larger companies that were better able to exploit the e-procurement system. The Government's Authority Forum backed that up by saying:

"There could be other unforeseen problems with making changes to back office processes such as procurement systems."

Martin Scarfe, who represents one of the councils that participates in the Authority Forum, said:

"I could take 2.5 per cent. off the budget tomorrow by insisting on e-procurement, but what would happen? I would take £10 million out of the local economy, because small and medium-sized businesses here are not geared up to it. Sometimes councils have to make local choices."

The warning is reinforced by the Federation of Small Businesses. I found what it said slightly surprising and alarming:

"More than four out of five small businesses use the Internet"

—so one in five does not—

"and this use is mainly for email purposes. We believe that form-filling etc should be easier with the advent of e-government."

It continued:

"The Gershon report recommended moving local authority procurement online by the end of 2005. This could have a serious impact on SMEs, who trade with government already but do not have online facilities, or who wish to trade with government, but again, do not have the appropriate online facilities. SMEs who currently trade with government without online facilities will almost certainly lose work."

That is a challenge not to abandon e-procurement but to pay special attention to smaller businesses' needs and to support them in adapting to an inevitable new era. There is an example in my constituency. I recently went into a small bookshop that was closing down. My assumption was that the huge new Ottakar's around the corner or the huge Waterstone's in the town centre had taken all its business. I was wrong—it was Amazon. If that bookshop had been more geared up online and had marketed itself locally for online book purchases, it might have survived.

Some critical thought must be applied to information and communications technology. E-democracy is another exciting, modern idea. Piloted in 2002, it clearly has some benefits. The "UK online annual report 2002", commenting on the e-voting pilot in St. Albans, states:

"As a result of piloting e-voting and counting, the election result in St Albans was announced just four minutes after the polls closed."

That would not produce quite the same atmosphere on election nights as we are all used to, but we would get to bed a little earlier—or our parties would start a little earlier, depending on the result. The Electoral Commission concluded that there was no evidence that fears of fraud were realised in practice. However, I should be interested to know how it knew that. Having anonymous people voting online seems to be open to great risks. Some of the experience of technical glitches in the US voting machines, some of which are not just electric and mechanical but electronic, should give us pause. Sometimes it is better to look for simpler solutions. If the Government want to boost turnout in elections, they might experiment with voting at weekends, which might boost turnout without the possible threat to public trust in election systems that e-technology might introduce.

If I am beginning to sound conservative, it is partly due to my experience of IT systems. I was once assured by an academic that the trend in database technology

[Martin Horwood]

was for cost to go constantly down and capacity to go constantly up, and that I should just wait, as it would inevitably mean that I would be able to get a system of infinite capacity at zero cost. My experience is rather the opposite: almost every IT project that I have looked at has had at least a tendency to go up in both cost and time scale. I am sure that the Minister will agree with that.

As one hon. Member warned, the complexity of systems and of government means that some of the savings that we anticipate may not be delivered in practice. The hon. Member for South Swindon (Anne Snelgrove) said that the Government were expecting more than £1 billion of savings from e-Government by 2008, but it would be wise not to start spending that money too soon.

There is great potential in e-Government. It has the potential to extend consultation and to empower people. I have an example from the voluntary sector, which has been mentioned. I used to work for the Alzheimer's Society, which changed its research programme in an effort to make it less dominated by scientists and medics and more directly influenced by carers and people with dementia. One of the systems that was adopted was for researchers to place their research proposals on an intranet, and carers and people with dementia logged on, reviewed them and posted their comments. It was on the basis of those comments that the society looked to award grants. The researchers said that that was a far more scary process than being reviewed by their medical and scientific peers, because they had to ensure that the language that they used was accessible and understandable. It resulted in a change in the nature of the research programme because it directed research more towards the priorities of carers and people with dementia, not what was most exciting from an intellectual point of view for the medical and scientific people.

So there is a real potential to empower people, but there is, as we have already explored, the potential for a digital divide and for people to be excluded. We must be careful, especially where consultation is a tool for important decision-making, that IT does not exclude people, particularly those in the lower social income groups.

Productivity may increase, and there are many welcome projects under way that we support, such as the Government gateway and the legal online information database, which help productivity in Government. However, productivity does not always deliver savings; it sometimes just generates more work. As we all know from our e-mail systems, the much-vaunted day of the paperless office—which would mean that we all had lots of free time and much less communication to handle because we did it so efficiently—has not arrived. In practice, it just means that we have 198 e-mails every morning.

E-Government and information and communications technology may deliver greater productivity, more empowerment, more knowledge and a better citizen, or customer, satisfaction. It may deliver great cost savings. However, it demands vigilance to ensure that, in the process, we do not exclude a new technological minority, or allow Government to acquire power at the expense of the individual to an extent undreamt of in previous eras.

4.4 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): The amazing thing about the debate is that IT is all-pervasive in this country, yet the Minister tells us that this is the first debate on it in this House. That is utterly astonishing, and the debate is very welcome. Another thing that is welcome is that those colleagues who have spoken obviously have a deep knowledge of the subject and a passion for it. It has been a fascinating and impressive debate. I was in two minds about whether to come at first, but I am delighted that I did.

E-Government has become central to the life of the country and has produced some valuable benefits. I can give an example from Hampshire, the county from which I happen to come. Hampshire county council recently won the best project in the "Government to citizen" category of the Government computing BT awards for innovation—you will be well aware of that, Mr. Hancock. It beat off competition from Lancashire, Preston, Renfrewshire and West Sussex.

The council came up with a project called occupational therapy direct, which was launched last January. The project handles requests for occupational therapy services from citizens, social services and health care professionals from across the country. Rather than waiting to see a therapist in person, patients call an 0845 number and speak to a trained adviser, who uses workflow software to work out the help that the patient needs. It can be anything from advice on equipment to booking an appointment with a therapist. There were huge benefits. The project has saved the therapists time and has cut waiting lists by 35 per cent. Some 45 per cent. of referrals are now dealt with directly in the service centre. Therapists can concentrate on those things for which they are most needed, and better targeting of care means that elderly patients have a better quality of life.

The project has been a success all round and it is not the only success story in Hampshire. East Hampshire district council has developed a geographical information system, which was mentioned in this month's *Butler Group Review*. It is an information system that allows individuals to download aerial views by entering a postcode. They can see the landscape in great detail. People use the views to see their nearest police station, fire station, schools and shops. A company called Get Mapping, based in Hartley Wintney in my constituency, is surveying the whole country and combining the information that it produces by its aerial photography with the most incredibly detailed on-the-ground maps from which people can get a huge amount of useful information.

A great deal of useful work is being done to collect information. The hon. Member for Ellesmere Port and Neston (Andrew Miller) looks as though he disagrees.

Andrew Miller: Far from it. I congratulate Get Mapping on providing a fantastic service. It is a business model that should be considered by all sorts of people who are thinking about how to improve the delivery of services. When I required a map of my area, I bought it on a Sunday and it was delivered electronically to me 10 minutes later. That is a wonderful service.

The point that the right hon. Gentleman makes about geographical information system services is precisely the point that I was trying to make to the hon. Member for Cheltenham (Martin Horwood) about the importance of the work undertaken by Ordnance Survey.

Mr. Arbuthnot: I am delighted by what the hon. Gentleman says about Get Mapping. I agree with him and hope that it can expand as it deserves to.

Much more is potentially available—for example, in education. People tend to say that young people spend far too much of their time on computers nowadays. They may do so, but that is not a threat; it is an opportunity to allow young people, and older people, to learn things in exciting ways that have never been available before. It is not a problem at all that people spend time on computers, provided that they do not spend too much time and become addicted to some of the games to which, I am afraid, I sometimes get addicted.

Hon. Members: Which ones?

Mr. Arbuthnot: The particular game that I am completely addicted to is "Civilization". It is the most fantastically educational game, which teaches us, in ways that I never expected, about history and how societies advance.

A very valuable website, ePolitix, has given the hon. Member for Cheltenham (Martin Horwood)—the hon. Member for GCHQ, if I can refer to him as that—and I some useful briefing. It referred to the fact that the eZeSchools network has found that education can make huge advances through e-Government, and I am delighted that it has.

Having said how valuable e-Government can be, there are nevertheless dangers and risks of which we must be aware and guard against. Much is being done in e-Government and we rely heavily on computers; nowadays even our fridges, telephones and cars have chips in them. If those technologies come under attack from outside through hacking or cyber warfare, the risk to the coherence of our society is serious because of the pervasive dependence on information technology.

I am lucky enough to be a member of the Intelligence and Security Committee—I am its resident geek—and I have constantly raised the fact that critical national infrastructure relies heavily on information technology. I worry that we do not spend enough time on, or have enough fear of, the ways in which critical national infrastructure is vulnerable to attack from outside.

In 2004 the Intelligence and Security Committee said:

"We recommend that the threat to the UK's Critical National Infrastructure and vulnerability to electronic and other attacks should be examined by the JIC and considered by Ministers."

While we rely so heavily on information technology, it is essential that we protect that technology.

My second concern about our reliance on information technology was mentioned in the excellent speech of the hon. Member for Cheltenham. There is a worry about fraud in voting systems, for example. The hon. Member for Luton, South (Margaret Moran) said that we need to move forward with e-democracy. However, if we are so concerned about postal voting—I am sure that those concerns have not been cleared up; we are still worried about the amount of fraud there could have been as a result of the all-postal ballots—consider how much more difficult it will be to guard against fraud in internet voting. Following the Minister's excellent opening speech, can he reassure us that the Government will not go down that road unless they are absolutely certain that they have guarded against fraud in a better way than they did with postal voting?

Andrew Miller: May I commend to the right hon. Gentleman, in his capacity as a member of the Intelligence and Security Committee, the work that is being undertaken by the Information Assurance Advisory Council, chaired by Dame Pauline Neville-Jones? The council brings together the private sector and Government agencies, including some with which he has been connected through his work on the Committee, to address some of the issues and to help protect information systems by sharing private sector knowledge and Government information. He is right that we must not underestimate the importance of that kind of work.

Mr. Arbuthnot: The hon. Gentleman is right. The work that the IAAC does is fantastic. It brings together the Government and business in a way that is a model of its kind. I hope that the Government listen to the warnings that the IAAC produces. It does some valuable work in seminars and, when I can go to its meetings, I do, because I am a geek, and they are fascinating.

Andrew Miller: There is one next Thursday.

Mr. Arbuthnot: Right.

We need to protect and guard against attack from outside and fraud. However, as the hon. Member for Cheltenham said, we also need to guard against invasions of privacy by the Government. In that context, I became more worried than I usually am about the comments made by the hon. Member for Ellesmere Port and Neston (Andrew Miller). In referring to whether children were eligible for free school meals, he said that all the information is already somewhere in the Government network, and could be drawn together. Indeed it could, but people in the UK get worried if they give information to the Government for one purpose and it gets used for another.

In that regard, the points that the hon. Member for Cheltenham made about there being a dramatic shift in the balance of power between the individual and the Government were absolutely spot on. The hon. Member for Ellesmere Port and Neston asked the hon. Member for Cheltenham whether he was not sufficiently confident in the robustness of the democratic process to prevent that. I am afraid that my answer to that question would be "No." The democratic process must have checks and balances built into the system to prevent Governments who are less benign than those that we are used to in the UK from misusing and abusing information.

Andrew Miller: The right hon. Gentleman makes a valid point. What I meant when I intervened on the hon. Member for Cheltenham was that, in this particular

[Andrew Miller]

case, it would be easy to devise a system in which, if information were needed about A, B, C, D or E and the Government already had all that information, people would be asked to authorise the Government to access that information. That would empower the citizen to give the necessary authority rather than assuming that the state can take it.

Mr. Arbuthnot: I would be much more content with that. However, I would be worried about the Government assuming control over the information that people themselves should own about their private lives.

Martin Horwood: I am grateful to the right hon. Gentleman for reinforcing my point. He possibly makes it more elegantly than I did.

The hon. Member for Ellesmere Port and Neston (Andrew Miller) makes the important point about consent. That is one of the great restrictions on the marketing industry: it is allowed to hold data and use it only for the purposes for which consent has already been obtained and, where those are explicitly sensitive personal data, the burden of consent is even greater. However, the Government have started to introduce opt-outs, exclusions and ways around that. In some cases, that is valuable. I believe that Members of Parliament have such an opt-out and are allowed to assume that we can obtain from public bodies sensitive information on behalf of our constituents in a way that ordinary members of the public cannot. Does the right hon. Gentleman agree that the ways in which the opt-outs can be used in government are a risk and that, just because the principles exist, that does not mean to say that the Government cannot find ways around them?

Mr. Arbuthnot: Yes, I agree. In this country, we are used to benign government and people respecting the rules not only that Government lay down but that people think Government ought to have laid down, whether they have or not. In other words, we are used to people behaving well. However, we cannot be certain that that will exist for ever, particularly given the changes that the new world order, which we keep being told about, is beginning to introduce to the Government of this country and, indeed, the Governments of western democracies in general. We may find that our freedoms are limited and our privacies curtailed in ways that we cannot currently predict. We need to build into the system safeguards against the abuse of those freedoms and our privacy being pried into.

That said, I do not want to concentrate on the dangers of e-Government; rather, I want to say how valuable it has been. I started by saying that e-Government was extremely valuable, and I continue to think that. Labour Members, particularly the hon. Members for South Swindon (Anne Snelgrove) and for Ochil and South Perthshire (Gordon Banks), talked about the need to have e-Government more readily available to those who might be thought to be less accustomed to using information technology, and they are right. In one sense, that is a short-term problem, because as our children, who all programmed our videos—remember those?—grow up, they will become used to the idea of using technology, so the problem will decrease with the generations.

However, the current problem is real. People who are too old to have been familiar with Amstrads when they were introduced in the 1980s and to have used them regularly will have no interest in taking up e-Government because they will not see any benefit in going through the mind-numbing process, as they would think of it, of learning how to use these awful computer things. Actually, computers are extremely valuable to everyone, but there is a lot that the Government need to do in that regard—for example, ensuring that libraries have a lot of computers readily online and free to be used by people who cannot afford to have them at home.

The Government also need to encourage small businesses to be more optimistic about the value of e-commerce. If, as the hon. Member for Cheltenham said, e-commerce begins to take over at local level, small businesses may well suffer. They find the high cost of developing and maintaining websites prohibitive, so they may lose out on the local business that one would think they were ideally placed to pick up.

The Minister said that on one of his visits—to mid-Kent, I think—he was told that Government websites left something to be desired. Of course that is true because, unlike commerce, Governments do not have the important driver that if they do not get their website right, they will be out of business. It is therefore important that the Government should benefit from the experience of commerce.

The parliamentary website is one example of how a website should not look—[HON. MEMBERS: "Hear, hear."] I am delighted to say that it is just about to be revamped.

Anne Snelgrove: I have listened with interest to the right hon. Gentleman. I recommend the education website as a much better example of a parliamentary website. It is run from this House.

Mr. Arbuthnot: I shall go to it immediately after the debate.

One of the problems with the parliamentary website, among others, is that from the looks of it it has been built up by people who are used to the old pre-internet ways of dealing with things. They put completely irrelevant distinctions between the Journal Office, the Table Office and the Vote Office on the website. No one who goes to a website wants to know about that; they are just rooms in buildings. We want to know how to get information. For example, if one wants to know the date of the next Transport questions, how does one look it up on the website? In the agenda for the day? No, it is not there. So where does one go? Eventually it can be found on the bulletin board, which is something that I thought went out about 20 years ago. Anyway, it will all be revamped and we will be much the wiser. As many hon. Members said, it is important that customers are involved in the development of Government websites. I very much hope therefore that right hon. and hon. Members have been involved in the revamping of the parliamentary website.

I have one final question for the Minister: who will pay for all the e-Government? It is a very expensive business. Local government is told that it must get much

more of its stuff online, but will central Government provide money for local councils to do so, or will they say that everything will be so efficient that local government will pay for it all out of those efficiencies? Computers do not usually save money; they just enable us to do more. There may well be money issues that the Minister needs to address.

This has been a timely debate. In fact, it is overdue. E-Government is a vital aspect of our lives. There are worries that we need to guard against, but having guarded against them, I have been heartened by the commitment shown and very much look forward to hearing what the Minister has to say.

4.28 pm

Mr. Jim Murphy: The first line of my winding-up speech, which was drafted by my excellent officials, says, "We have had an excellent debate." The most recent previous debate to which I responded also started with that standard line. The only difficulty in that debate was that no Member contributed; it consisted of my opening remarks and my closing remarks.

Andrew Miller: So it was an excellent debate.

Mr. Murphy: It was quality rather than quantity, of course.

The debate has been entirely different today and I start by thanking you, Mr. Hancock, and all those hon. Members who attended or participated in the debate: my hon. Friends the Members for West Bromwich, West (Mr. Bailey), for Ochil and South Perthshire (Gordon Banks), for South Swindon (Anne Snelgrove), for Ellesmere Port and Neston (Andrew Miller), for Sittingbourne and Sheppey (Derek Wyatt), and for Luton, South (Margaret Moran); the right hon. Members for Wokingham (Mr. Redwood) and for North-East Hampshire (Mr. Arbuthnot); and the hon. Member for Cheltenham (Martin Horwood).

The remarkable thing about a relatively consensual debate is that it generates a substantial number of reasonable questions. I have no intention of taking 60 minutes to answer all the detailed questions and shall respond in the spirit in which they were asked. If any hon. Members do not think that I answered the questions that they asked, I am happy to chat with them after the debate, or, if they would like more detail about specific questions, even to have a formal discussion at another time.

The right hon. Member for North-East Hampshire said that he was here in the Chamber in two minds. I do not know which mind persuaded him to come, but I am glad that it did. He spoke about the success of the occupational therapy project in North-East Hampshire, which deserved its award. As the Member of Parliament for East Renfrewshire, I was not as pleased as him that it beat the competition from Renfrewshire.

The right hon. Gentleman identified the challenge, which I have seen as I have travelled throughout the country. Innovation is often led by talented or driven individuals, rather than by the centre. That is as it should be. It should become normal practice, rather than exceptional or innovative. When it came to computers, we had an insight into the right hon. Gentleman's personal life—a certain addiction, which not every member of his party on the Front Bench wishes to discuss. I thank him for his honesty.

The right hon. Gentleman asked some entirely reasonable questions to which I wish to respond. The National Infrastructure Security Co-ordination Centre has assessed that the threat of electronic attack is increasing in the UK. We do not believe that such attacks are imminent or that they critically threaten the infrastructure, but the determination to launch them is increasing.

In respect of e-voting, the Government remain committed to innovative, multi-channel means of voting. However, in conjunction with the Electoral Commission, we are considering how security could be guaranteed through e-voting and other methods, so we are not seeking a pilot for e-voting in the 2006 local elections. That is the sensible way to progress until such time as we can ascertain specific means of security.

Fraud, information protection and information assurance affect the public, private and voluntary sectors and everywhere else, and there is important work to be done on information assurance. The right hon. Gentleman will be aware of it from his work on the Intelligence and Security Committee.

I should like to draw Members' attention to an initiative called Get Safe Online, which has had some but not enough publicity. Its profile will become higher in the weeks ahead. The initiative is about improving people's confidence—that of users and of business—in transactions online.

The right hon. Gentleman reasonably asked about protections on information. There must be careful protections on what information is held, how it is handled and who gets access to it. There is no question whatever of the information on any of the databases being shared with commercial organisations.

Earlier, while preparing for the debate, I was intrigued to hear about a novel experience in one Scandinavian country, Norway. It puts online, freely and fully accessible, everyone's tax returns, so one could in passing investigate one's neighbour's, boss's or anyone else's tax returns. I should like to reassure the House that the Government are not persuaded to undertake that course of action. Whether that is due to the different culture or the different level of acceptance of the availability of information, it nevertheless shows a remarkable contrast in the tolerance that we rightly expect towards the availability of personal information.

The right hon. Gentleman asked, quite reasonably, who pays. He asked the question and gave the answer in almost one breath. The IT strategy, which I can confirm today will be published later this year, identifies ways in which central and local government must work more closely together, breaking down a lot of false barriers that have built up over decades. They built up initially for, perhaps, good reasons, as such services and systems were created and designed in a world that never envisaged the IT innovation that exists today. A lot of efficiency gains that are being envisaged are not about organisations doing more, but about doing things differently. I have seen good examples of local authorities where that is happening. I am sure that is happening in Hampshire, although I have not yet had the opportunity to witness it at first hand, but I have

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seen it in various parts of the country. Local authorities are rolling out responsibilities using IT, breaking down barriers, and ensuring that the customer—the council tax payer, the citizen—has one source of information and one point of contact, regardless of what their question about local authority services is.

The hon. Member for Cheltenham made a thoughtful speech and I was intrigued by one comment that he made. He said, "Forgive me for sounding like a Conservative." I thought that that was a natural tendency for a Liberal candidate in Cheltenham; how else would a Liberal get elected there? He spoke about changes in personal circumstances, and the way in which our lives are adapting. I have not yet bought a house online, but it has certainly become normal in my household to buy our weekly shop and the children's presents online and to look for bargains on eBay, if am I allowed to say that. Well, I have said it. My family is in Glasgow, 400 miles away, and the least high-tech way I communicate each day is to send suggestions about my children's homework, such as sums, by fax. That is the least IT-enabled way I help with my children's homework; it is usually online, and often includes exchanging e-mails and using other innovations. Only a decade ago parliamentarians would never have envisaged that.

The hon. Gentleman talked about his experiences as head of a consultancy, having had clients as diverse as the Alzheimer's Society, the British Humanist Association and others. He talked, quite rightly, about his local IT successes, not least the Universities and Colleges Admissions Service. I think that I am right in saying that 65 per cent. of university applications in the UK were completed fully online. That is a remarkable turnaround in UCAS's management systems. The important thing is that it is customer focused and allows potential students to access universities in a way that suits their needs.

On other aspects of his comments, the hon. Member for Cheltenham allowed his proximity to GCHQ to go to his head. Of course, freedom of information is important; that is why the Labour Government introduced the Act. That is why we campaigned for the Act, and why we defend and promote it.

Comments about change and fear of change have always been made, and I am reminded that, at a time when it was first envisaged that trains could travel at over 30 mph, people were cautious about whether the human body could cope with that, and whether more than 30 mph on a speed train would lead to human suffocation. I remember the pictures of the first cars in which a man—I assume it was a man rather than a woman because of the era—had to walk with a red flag in front of a motor car because of the supposed inherent dangers of the new technology and innovation.

The ID cards to which the hon. Gentleman referred will necessitate far stronger data protection than all the other cards that are available at present, for which people in their millions voluntarily provide information—store cards, which I do not have, and credit cards and debit cards, which I do. Some of that need for information was driven by his previous profession: marketing and direct marketing companies. I am sure that he has experience of his previous profession driving some of those trends. I wish to give him an absolute, cast-iron guarantee, as I did the right hon. Member for North-East Hampshire, that none of the information will be shared with commercial organisations. Hon. Members will have another opportunity to comment when the Identity Cards Bill is debated in the Chamber next week.

Martin Horwood: I am grateful to the Minister for dealing with that point. Obviously, he has been accessing some of my personal data, but I briefly point out for the record that the British Humanist Association and the Alzheimer's Society were at various times my employers, not my clients, and that I meant conservative with a small "c". That underlines the importance of being able to correct personal data through freedom of information, for which Liberal Democrats also campaigned for a long time.

I was not expecting that the Government would make personal data available to commercial organisations, although census data are the basis of much commercial information. In a sense, Government agencies are already making such information available. The important point is the one that was made by the right hon. Member for North-East Hampshire, which is that the real fear and concern is the abuse of data in the future by a Government who are less reasonable than this one.

Mr. Murphy: I understand the hon. Gentleman's point, but he gives another reason why we should hope that there will be no change of Government in future elections. There is a remote possibility of a change of Government to the Conservatives. However, there is also a general acceptance that even in their darkest and most authoritarian days, they would not have abused these systems had they been in place. The likelihood of a Liberal Democrat Government is so far-fetched that I do not believe any of us have bothered to investigate the tendency or inclination of a Liberal Administration to such abuse, but I would give them the benefit of the doubt. Whether conservative with a large "C" or a small "c", no Liberal Administration would get involved in the sort of activity that the hon. Gentleman claims to fear could be carried out by this or any future Government.

Consider the political and personal cultures of this country, the investigative journalism capacity and the checks and balances. First, Parliament would have to agree to any changes to the system, and the people of this country are not set, nor will they ever be, to elect a group of people to this House who in a majority would vote for an alternative-facing means of managing the national register. That may not be the case in other countries. For example, there is discussion in the press about what is happening in China, but it has a different political culture and history, and a different approach to many of the IT opportunities. Indeed, picking up on the comment of the right hon. Member for North-East Hampshire about whether IT is a threat or an opportunity, it seems that some Governments elsewhere in the world consider it a threat to their control rather than an opportunity for their citizens.

My hon. Friend the Member for Ellesmere Port and Neston began by saying that he served under your chairmanship, Mr. Hancock, in 1970. He did not offer

details of the capacity in which he or you were serving, but at that time you certainly could not have envisaged that three decades later you would be sitting in the House of Commons—perhaps you could, I have no idea. However, I do not expect that either of you envisaged having a discussion in the House of Commons 30 years later about e-Government, of all things.

There were a few computers in the country at that time, and the Government had to publish a list of all of theirs. In those early days, each computer had 100 times less power and capacity than today's average mobile phone, and each computer took up a large room to fulfil very limited functions.

My hon. Friend pressed for the need for citizen-focused IT structures and systems, and for breaking down organisational barriers. He rightly talked about the need for pride in the services that already work. Vast swathes of our daily life are enabled by IT in the private sector—and, of course, in the public sector. He demanded that we should not seek to reinvent the wheel. That will be made clear in the IT strategy that will be published. We have no intention of reinventing the wheel—there will be no big-bang, day-one introductions of massive IT projects. That lesson has been learned from experiences over the years.

My hon. Friend also mentioned the need to involve others in service design—in website design as well as design of the service itself—and the importance of learning from international experience. He spoke about the Australian system; the Australian Minister responsible for it is meeting the e-Government unit here in the UK next month.

I should also mention that, arising from my meeting in my hon. Friend's constituency, I received a letter from Sandy Watts of the local citizens advice bureau. He made some specific recommendations about Government IT and how it relates to the citizens advice bureaux, and he made a series of suggestions and raised some reasonable concerns, which I am taking up.

Andrew Miller: My hon. Friend the Member for South Swindon (Anne Snelgrove) made the observation that it would be nice if MPs had access to the super-database that the citizens advice bureaux provide for their case workers. There is an opportunity there for the Government to look at establishing a partnership with CABs to empower caseworkers—maybe ours, or those in local government—and to have a bit of a two-way trade. There is a superb opportunity there.

Mr. Murphy: My hon. Friend is right: there is a phenomenal opportunity in the untapped resources of voluntary organisations—not just the citizens advice bureaux but organisations such as those that my hon. Friend the Member for Luton, South and others spoke about. I had a meeting yesterday with an organisation called Netmums—a phenomenally dedicated group of mums throughout the country who are providing a service that the Government could probably never provide. However, because Netmums provides a service that crosses government, it does not fit into one box, and therefore obtaining public money—from either local or central government—has been difficult for it.

I am sorry to keep saying this, but we will have to wait and see what is included in the IT strategy. It would be inappropriate for me to make announcements on that today. However, we anticipate using such informal networks much more, and tapping into the good will and undoubted talent that such organisations and the individuals associated with them have, so that we can work in partnership across government and within communities.

Those organisations often meet more people than we ever will. They are trusted in terms of objectivity much more than we ever will be regardless of which party we belong to, as in many senses they are not seen as part of the establishment. Therefore, we should seek ways to enable them—and IT, at least in part, does that.

My hon. Friend the Member for South Swindon made points about business, and I will address them in a moment. She also made a specific point about free school meals and her role as a governor at Churchfields school. Sometimes, for good reasons, the Data Protection Act 1998 is misunderstood. It is a source of frustration for all of us when we find out that we cannot do this or that because of data protection rules. The legislation is often adhered to in a haphazard and inconsistent way across the public and private sectors. In the IT strategy we will set up more work on data protection, and on the most common misinterpretations of it.

I do not happen to believe that the reason for the legislation being used in that way is, in the main, a case of, "We don't want to tell you." I think that organisations often believe that they are not allowed to give out information because they misunderstand the Act. More work needs to be done on that so that there is greater accessibility to that information.

As for the specific points made by my hon. Friend the Member for South Swindon, most councils already have controlled access to check housing benefit claims. I am not sure whether the local authority in question has already done that. If my hon. Friend wishes me to pursue the matter, and she provides me with more information, I shall be happy to raise her specific point with the Information Commissioner in respect of whether the Act has been appropriately applied. That might provide one specific solution in Swindon. We need a solution for the whole country because these experiences are all too commonplace.

Visiting the constituency of my hon. Friend the Member for Ochil and South Perthshire was a novel experience. I say that in a friendly way. I do not know whether anyone here has been to Ochil and South Perthshire, but we had a discussion about whether Tullibody—I am sure everyone knows where it is—should be recognised as a city. I do not want to insult the good 5,000 people of Tullibody by making an observation as to whether it should benefit from city status. We had a discussion about canals, helicopters and all sorts of things, some of which have a tenuous link with IT.

I think it was in my hon. Friend's constituency that I met an elderly pensioner—I do not say this as a joke but as an observation of the different levels of appreciation of IT—and asked them why they did not use IT to access the internet. I do not say this to make a fool of the individual, but to show different expectations. The person was worried that they might break it; they thought that they might press the wrong button and delete the programme. My hon. Friend the Member for

[Mr. Murphy]

Luton, South said that she was not technologically focused, despite the fact that she made an excellent speech, but we all know that that will not happen by pressing the wrong button. However, we have not got that message across to that pensioner. One of them said: "Sonny, I've got into my 80s without using it. I now have a telephone. I don't need a computer."

Andrew Miller: I am sure that my hon. Friend did not intend to imply this, but we should not assume that older people do not want to use computers. It is a most empowering technology, and my mother, who is 86, wheelchair-bound and living on her own, is totally reliant on computer-based services. She had no formal education after the age of 14. It is not a question of educational attainment, but one of whether there is a combination of support to encourage people to learn and the capital to cover the initial outlay.

Mr. Murphy: Again, my hon. Friend makes a fair point. For all sorts of reasons, there has been a vast increase in the number of older people using information technology. They use computers in all sorts of ways to break down some of the barriers that they face. One of the reasons why we want single account management for pensioners is so that they do not have to go to all sorts of different agencies. One contact with one pensioner would free them up from all the transactions that they expect to have with government. There are other personal motivations and drivers. Families are more mobile, and technology offers a way of keeping in touch with families across the globe. Their grandchildren—if not their own children—use information technology for homework, and it is a way of keeping in touch with grandchildren and supporting them in their homework.

When I was in Ochil and South Perthshire, it was clear that about half of those in the audience were already using IT and the barrier to their using it further was not, as my hon. Friend the Member for Ellesmere Port and Neston said, the capital cost of investing in a computer but uncertainty about the ability to commit to pay a continuous connection fee, such as for broadband. That is anecdotal, not scientific, evidence but it was important to hear that message. It was not a question of the £100 that they needed for a second-hand computer—in fact, a family member could have given them a computer—but the fact that, despite the increase in pension, the pension credit, the free TV licence and the rest of the support given by the Government, they could not commit confidently to that connection over the years. We need to find ways to provide cheaper online facilities for pensioners and others.

My hon. Friend the Member for Ochil and South Perthshire asked about business, as did some others during the debate. In addition to what the Cabinet Office is doing through the better regulation agenda to help business, there are specific ways in which we can break down bureaucracy. In my travels round the country meeting business organisations and small and medium-sized businesses as part of the better regulation agenda, I have heard that they feel that the regulations relating to IT are as impenetrable as some of the wider regulations. Whether or not that is borne out by statistics, it is certainly the feedback that small businesses have provided.

One suggestion is that we find a way of reducing the bureaucracy involved in procurement so that smaller businesses have easier access to it. We are actively examining that. Are the barriers just too great for small businesses of one, two or three people to compete on a level playing field for e-procurement? As my hon. Friend said, the new portal through which small businesses that want to work with the Government can make suggestions about innovation to us is important.

I will address some of the general points before I respond to a specific comment made by my hon. Friend the Member for Luton, South. The cross-Government nature of IT services is essential. In fact, my hon. Friend made this point too. As we all know, organisations such as Netmums or the organisations that support the victims of domestic violence face a challenge in obtaining support because the nature of their work lies across so many Departments. How do we design systems of careful data sharing to match the needs of such groups? I have had informal discussions with Baroness Scotland about this. As my hon. Friend will know, Baroness Scotland is determined—driven, in fact—to secure a cross-Government solution, specifically on domestic violence. As a consequence of the suggestion and inquiries made by my hon. Friend, I will certainly have more formal discussions with Baroness Scotland.

I have had experience in my constituency—we all have—of people having to repeat information over and over again. I will give a benign example of data sharing, but I will not mention the name of the individual because I do not have their permission to do so. As a constituency Member, I had the harrowing experience of a bereaved family coming to see me following the loss of a young child. They had to repeat the details of the bereavement on numerous occasions, for many different reasons, to all the different Government agencies. That just prolonged their immeasurable agony. They had to repeat not only the name and age of the child but the circumstances of the bereavement. Should we not design a system for data sharing that prevents such repeat questioning? We can accept repeat questioning in normal circumstances once or twice, but in those circumstances, that family, that mother, should have had to provide that information only once.

For a good reason, everyone mentioned access for those who have traditionally been excluded—certainly at the earlier stages of IT development. Some work has been done, but an awful lot more needs to take place on things such as website design. Initially, Government website design was haphazard. We know that. My hon. Friend the Member for Ellesmere Port and Neston spoke about it. The emerging democracies—I should say the increasingly established democracies; they are no longer emerging—of eastern Europe started with a blank piece of paper. They learned from the years of experience in the countries neighbouring them to the west. In that sense, they had the advantage of learning from experience. We did not have that.

It seemed that every Department and Government agency said, "This internet thing is probably very interesting. We should have a website." So an industry became involved in designing Government websites.

There are about 2,500 Government or agency websites in the UK. That is a vast amount. Many think that they are doing a good job, but some are entirely unnecessary. That is why we are moving towards Directgov. I also want to prod gently the software designers. They do not set out deliberately to exclude people from different backgrounds, but due to accident, lack of forethought or because it is not perceived to be in a narrow commercial interest, their design packages are not always the most accessible for people with less formal education or who have English as a second language.

My experience of preparing for the debate over the past few days has been that when one logs on to many of the transactional websites, there is an additional barrier that I had not thought of for those who do not have a computer at home. The hon. Member for Cheltenham said that when he registered for home shopping he had to provide an e-mail address. Many people with no experience of using the internet do not have an e-mail address and when asked for one, the problem seems complicated. That seems to be a barrier, although it is not intentional because there are good reasons for requesting an e-mail address, such as marketing and so on. However, requiring an e-mail address as a condition of entry to a site may not be the most effective way of encouraging access by people from different backgrounds. A lot more could be done on that agenda, which is why the Government have been working with the Disability Rights Commission and others on web accessibility.

Incidentally, 90 per cent. of households in England are within 5 km of a UK Online centre. There is a debate about how those centres are used and UK Online must keep adapting to ensure that its focus is right so that the customer comes first.

On people from different economic backgrounds, during the summer I went to east Manchester, which is a relatively deprived community. I am shortly going to east London to see some projects in the community there. I also visited the Halton benefit express bus. As I travelled down from Glasgow, I thought that I was just going to see a bus with people who advise on benefits. It was parked outside a major supermarket in the morning and was welcoming. It was staffed by civil servants, but also by volunteers with good experience—the sort of people who were spoken of earlier—and provided real-time advice on benefits, welfare rights and almost anything imaginable. It was enabled by wireless broadband and linked into the local benefits service's databases. The Benefits Agency and other Government agencies came to the car park on the bus and met customers who had never been to the relevant Government office for information. That was the cutting edge, but it should not be the cutting edge. Such work comes about because driven, innovative and good people want to do things differently, but it should not be left to them. We must create a framework in which such excellent practices become normal practices.

Turning to the last comment of my hon. Friend the Member for Luton, South, and as my hon. Friend the Member for Ellesmere Port and Neston said, IT in itself is not important—perhaps I should not say that as I am the Minister with responsibility for e-Government. IT is a tool to achieve an end, and that end is modern and personalised public services that benefit from massive and record investment from national Government. We have invested seven times more than the previous Administration in rebuilding schools, putting IT systems into schools and connecting every school through broadband. The reason for efficiency is not just for efficiency's sake, although that is a good driver in itself. Efficiency is redirecting resources to the front line and improving citizen and customer focus to enhance people's lives.

Despite the failings of the tax system that have been well documented, it would not have been enabled without IT. The direct payment of benefits is all about IT, as is job searching for those who want to find a job, improve their job or get a career. It is interesting that the most popular Government online service is their job-searching system, which receives 800,000 visits a week. There are 400,000 job vacancies listed on that website, which is enabled by the tool of IT. It enables policy ideals such as direct payments, the provision of information that people need to make choices and the extension of school opportunity. Sometimes we see IT as the end in itself rather than the means to achieve that end.

I started by speaking about the four challenges that we face: scale, efficiency, delivery and relevancy. I finish by saying that we also face a global challenge. We all know that we cannot be first in prosperity, as the Chancellor said, if we are second in education. That is why we are spending seven times more on our education system—we are rebuilding schools and inputting IT.

The fifth challenge relates to the emerging economies in a world where China will have the third largest economy within five years. The economies of China and India are growing at five times the rate of economies across the EU. The challenge for us is to allow human capital and technology to make the knowledge economy the engine of ongoing success. That is imperative as we face the great economic challenges that are common to all developed western democracies. We must meet those challenges strategically through e-learning, education, e-delivery and everything else about which we have spoken.

We must be customer-centric. We need shared services and a greater degree of IT professionalism. Those three strands will be contained in our IT strategy, which will be published later this year. It is an agenda that we must deliver, and it is an agenda that we shall deliver. I thank you, Mr. Hancock, and all those who have attended the debate.

Mr. Mike Hancock (in the Chair): Despite his promise, the Minister managed to get 38 minutes out of his hour. I wish to thank everyone for participating in the debate. When I learned that I was to chair it, I, like others, was a little apprehensive of what it would entail. I must, however, share the views of everyone who has spoken: it has been interesting and informative. Congratulations to everyone and thank you all.

Question put and agreed to.

Adjourned accordingly at seven minutes past Five o'clock.

Westminster Hall

Tuesday 18 October 2005

[MR. BILL OLNER *in the Chair*]

Forensic Sciences

Motion made, and Question proposed, That the sitting be now adjourned.—*[Kevin Brennan.]*

Mr. Bill Olner (in the Chair): Good morning, colleagues. If hon. Members have been watching the time on the monitors and think that I am a little late in getting up to speak, I should say that I take notice of the time on the large clock—the two clocks differ by about 30 seconds.

9.30 am

Dr. Ian Gibson (Norwich, North) (Lab): I am delighted to have this opportunity to talk about forensic science and the sciences. Much of the information that I have gleaned on the subject comes from the Science and Technology Committee report, "Forensic Science on Trial", of the previous Parliament. The Committee made a thorough study, which has helped, as has the support given by two externals, David Blakey, once Her Majesty's chief inspector of constabulary, and Professor David Barclay, formerly head of physical evidence at the National Crime and Operations Faculty, who know the score on forensic sciences from the inside.

People know about forensic science: there is a magic about it; it has become well known, locally and internationally; and it is applied in the legal environment. For example, we have read in today's papers about events in Australia, where a backpacker was killed and the authorities are trying to fix someone for it. DNA technology is playing a significant part in trying to tie up the legal situation there.

Natural and man-made disasters are familiar to us—the tsunami, the Pakistan earthquake, Bali, the World Trade Centre, the London bombings, the investigation of mass graves and genocide. All forensic science techniques have been used to try to identify the victims, methods or perpetrators of such violence. Indeed, forensic science is sometimes used to find out whether there has been any crime at all.

The United Kingdom is, thank goodness, well up there with other countries and plays an international role in dealing with such events. We sent international experts, who were trained here, to help after the tsunami as part of an international effort by the international community. We remember the Harrods bomb, the King's Cross fire, the Mill Hill barracks bomb, the Clapham train crash, and the sinking of the Marchioness—the list goes on and on, and there is no likelihood that such events will cease. Forensic science will play an integral part in the work done after such events. It can help with investigations into crime, terrorism, drugs, firearms, paedophilia, sexual abuse, fraud and road crashes—the list goes on and on.

We must never forget that the most important events for many of our constituents are burglaries and car crimes, which are the events to which people are exposed. I remember the fingerprints being identified on a bottle of House of Commons whisky that was nabbed from my house. During a machete fight outside a local pub, four guys were grabbed, and some of the fingerprints on the bottle corresponded to those of the young men responsible. However, the courts could not pin the theft on them, because it was not certain who had taken the bottle—all four of them had had their hands on it at some time, so the theft could not be pinned on one of them, which led to a legal situation in which some smart lawyer got them all off. However, I know who they are, and I will be looking for them.

The UK has been at the forefront of developments, and the Forensic Science Service, which is an executive agency of the Home Office, is a major player. However, other forces are coming into play: forensic alliances involving the former Laboratory of the Government Chemist are being created; large scientific businesses with an interest in forensic science are being set up; and police forces are beginning to contract out their scientific needs. Universities can see the commercial possibilities and are offering forensic science training to police officers and others, which has led to some criticism.

We often see people on television in white decontamination coats who arrive at the scene of a crime within hours of its occurring or on the following day. They come from different organisations and collect information by using toxicology, analysing DNA from hairs and fibres and examining footwear, firearms, drugs and explosive materials. A huge number of techniques are involved in the service, and we must recognise that it provides information that guarantees that police policies are based on intelligence-led information, which is extremely important. There have been many cases—I shall talk about them later—in which information has had to be revoked as new technology comes to light, so the service provides essential information.

The report also goes into some detail about the future of the service, which was discussed in this very place a couple of years ago. Is there any intention to privatise the service, to develop a public-private partnership and to set up a Gov-co?

David Taylor (North-West Leicestershire) (Lab/Co-op): At the start of the campaign about two years ago, my hon. Friend, like me and many other MPs, refused to be a silent witness to the privatisation of the service, which would have left it as the only privatised forensic science service in the world. We are relieved that the Government have given the service two years in which to demonstrate its success as a Gov-co. Is my hon. Friend concerned, as I am, that the Government are acting as both judge and jury in setting the criteria and assessing success before deciding whether to tramp further down the privatisation path?

Dr. Gibson: I would be concerned if that were the only input into the debate, but the debate is being expanded, and we shall hear more about that from the Minister. Other forensic services across the world and other institutions in this country are now taking that issue seriously. Partly because of the report and partly because of the parliamentary debates, forensic sciences have received a huge lift, but many of the bright people involved with the technologies are concerned, given

[Dr. Gibson]

what might happen to their service in future. The debate must be wide-ranging, and I hope that it will involve the public, too.

There is the "Silent Witness" programme and the Amanda Burton factor, and we cannot turn on our televisions these days without seeing a body being dragged from a river and people working out how that person was killed. It amazes me that people love such viewing—there is a fascination about what causes death. Forensic science makes great TV viewing and, indeed, great books—in the States, Patricia Cornwell has made a mint out of writing about pathology and looking at dead bodies.

There are great opportunities to interact with other countries in providing that service, given that many of the issues that I have discussed are international, that people move about and that such information needs to follow them about. Although that sounds good and interesting, there are also problems that have to be faced.

There is no doubt that DNA technology has been a tremendous boon for the service. Sir Alec Jeffreys, whom I know, gave evidence to the Committee. One day, he was doing a bit of basic research on DNA and found a variation between the DNA of different individuals. Suddenly, he discovered that each individual has a different pattern of DNA when it is broken up and run on particular gels. That serendipitous discovery shows us the value of basic research, and we never know what value such basic research might have in the applied sector.

The national DNA database has been set up, and it is undoubtedly the best in the world. There are plans to expand it and to interact it with databases in other parts of the world, but its success raises many ethical problems and its discriminatory functions have been attacked. Who keeps the DNA? Why do they keep it in relation to innocent people or those against whom charges have been dropped? DNA may be kept for certain reasons, and I am sure that the Minister will mention cases in which it has been valuable to do so.

Many people worry about samples being kept in cases involving the innocent. In fact, Sir Alec Jeffreys, the man who made the discovery, has argued that samples should be taken from the whole population, which would cut out the argument about discrimination. That matter must be fully debated, and the public must be involved. What do they think about their DNA being held for future interest? Who has access to the data? What is the role of the police and how do they get hold of the data? Such issues will be raised later today in the identity cards debate.

Many of the ethical problems are serious and require a full debate. For example, someone might want to obtain DNA information on the health potential of an individual concerning the age at which they will develop a serious illness. If that individual is innocent and their DNA has been kept, who would want to know such information? An insurance company would certainly like to know, and an employer might want to know, too, so dangers exist.

The other issue that has emerged in the debate on holding all the DNA information on our national database is that the correlation between DNA and a person may not be straightforward. Familial similarities may occur, and I am sure that the Minister will mention cases in which a crime was committed not by the suspect, but by somebody with similar DNA, such as a brother or sister. There are arguments for holding on to information for familial reasons, but many people find them disturbing, so the matter must be debated and limits must be set.

DNA technology is developing all the time. For example, Sir Alec Jeffreys told the Committee that 16 markers are required to set up an individual's profile. Years ago, when things started off, six markers were used. Now 10 markers are used, but Sir Alec Jeffreys thinks that 16 markers provide a better correlation and ensure that people are not identified by accident. If there are 16 markers rather than 10, misidentification is less likely—for example, British people involved in identifying tsunami victims have confirmed that 16 markers were used in that work.

The other question is whether we should revisit cases in which people have already been convicted. The Birmingham Six were associated with the events in Birmingham not through DNA, but through chemicals, which could have come from a playing card. They got off after 16 years in prison, and the feeling was that that conviction was wrongful and unsafe. If using 16 markers is better than using 10, should we re-examine such cases to ensure that we have got things right or should we stick with what we have got? Such examples suggest that we should re-examine cases, if we feel that the technology has improved.

I will mention the training of people who enter the service. The courses at universities and colleges are popular—there are 400 degree courses at 57 universities. People can do football technology and forensic computing, which fascinates me, although I do not know what a graduate could do with it—they might end up as England manager, if they do not watch out. Many of the courses have not been accredited and the question whether some of them are of value has been raised. The courses are certainly extremely popular thanks to books, Amanda Burton, "Silent Witness" and other programmes, and there is a great fascination with the subject.

We have not really examined how many jobs there are and how many people will be employed in the profession after completing courses. I am talking about the usefulness of the courses from the employment point of view, although that is not to say that they are not valuable for other activities in society. On direct employment, however, various people told the Committee that there are not that many jobs for the hundreds of students on the courses.

The Committee was also told something extremely interesting: what is really wanted is people who can do basic chemistry, physics and mathematics—later, I shall explain why understanding statistics is extremely important when giving evidence to the courts. A lot of the courses require basic chemistry, physics and maths, and we should not allow our young people and those working part-time to escape the rigorous training that is necessary to enable the service to be used properly.

The irony is that one day we were told that the chemistry department was closing at Exeter and that physics departments were closing elsewhere, and the

next day the police told us that they want people to do such courses. There is a lack of interaction, and a serious discussion must take place between the Home Office and the Department for Education and Skills to see whether they can marry the courses with existing interests and future employment prospects.

New technologies relating to DNA at the molecular level will be developed, and lab-on-chip technology will also be introduced. Lab-on-chip technology will mean that a scientist does not have to take a sample at the scene of the crime and return to the lab to work on it, which raises all sorts of problems associated with contamination. Instead, scientists will be able to experiment at the scene of the crime.

Scientists will be able to get answers on where a crime happened with particular types of computer programmes. For example, Beagle—we have not seen it for a while; it ended up somewhere last Christmas—had that kind of technology. The technology exists and, with resources and help, it might be taken into the forensic science arena.

I want to consider the real problem that exists when forensic science evidence is used in the courts. There have been some high-publicity cases recently, such as those of Sally Clark and Angela Cannings, who were accused of murdering their children. Members will know that an eminent expert gave evidence in the Cannings case and talked about statistics, which were later overruled. There is a question about the word "expert". Yes, he was an expert in his particular field, but he did not get the statistics right. Another expert exposed that and, of course, the original statistics were overruled. That raises the questions how we use information and how we use the experts who come into court to provide it.

At the Angela Cannings hearing, the judge said:

> "If the outcome of the trial depends exclusively, or almost exclusively, on a serious disagreement between distinguished and reputable experts, it will often be unwise, and ... unsafe, to proceed."

How the evidence is presented and how the experts are chosen are important, and a serious list must be drawn up. The matter involves more than looking for the cheapest person, the most expensive person, the biggest name, somebody with a Nobel prize or somebody with a knighthood. A bias in our legal system means that those prosecuting see the tyre marks on the road and do the tests, which means that the defence legal team come in on the back foot and must assume that the data are okay. The defence must argue about the interpretation of the data, which often concerns how the data were collected.

We must get away from people with a certain charisma fascinating juries through their knowledge and excellence, which usually appertains to their qualifications—such situations must be seen to be believed. The Committee said that the best solution is, where possible, to have a pre-legal court hearing where the experts and the judge can establish where they agree and disagree and consider how important certain information is to the prosecution case. Sometimes, such information is key, and, as I have said in relation to the Cannings case, it is unsafe when a disagreement occurs. There are plenty of examples of scientific evidence creating problems, and we must find a better and fairer way to make the process work.

Juries, too, are very interesting. To my knowledge, no jury has ever been consulted about how it found the scientific evidence—baffling, I imagine. Even experts sometimes cannot agree because they are expert in certain areas and not in others, so how can we expect a neutral jury to make a judgment? Before a case involving two experts comes before a jury, there should be a joint statement or an identification of the different views of the two experts. The matter should not come down to the charismatic effect of one expert over another in court.

Because we have an adversarial system, we expect lawyers to find the most charismatic character, if they want to win. Lawyers are not like scientists—they just want to win. Scientists also have a bias, but they think, "We know we're not 100 per cent. sure about things, but gosh, we're probably 99.9 per cent. sure." No one will ever get a lawyer to admit that. Lawyers are never wrong because they cannot appear to be wrong in the presentation of their evidence. They select the expert and the sort of evidence that is put forward, but a pre-trial meeting would ensure that that does not happen. We could try to eliminate such practices—nothing is perfect, but such a move would make it much more likely that crass mistakes will not be repeated.

As for lawyers and judges, we spoke to a judge who admitted that he knew nothing about DNA technology. He did not quite say that he believed someone because he liked the colour of their eyes, but it almost got that far. We cannot allow a system that lawyers and judges do not understand to continue. That does not mean that lawyers and judges cannot understand DNA technology, but we need an educational programme. I corresponded with someone the other day who told me that they had begun a course in Glamorgan to educate lawyers about the new technologies appearing in court, so such courses exist. We must get good evidence into the legal system to ensure that it is fair, which will help to ensure that we do not experience any more sad cases that the media pick up on so avidly in this country and abroad.

More and more technology will be used, and more and more evidence will be needed in considering crimes such as terrorism. Having visited the States, the Select Committee published a report about the sort of detection technology that should be used in our underground stations, and I do not just mean CCTV cameras. Obviously, there was resistance to CCTV cameras, but they were very useful during the investigation into recent events in London.

We have reached a watershed with the service, because we do not know how it will be structured or funded or how it will interact with the international situation, so perhaps the Minister will tell us a little more about those issues. We do not know how we can change the education system in universities and colleges to ensure that they are up for it and that people have the right sort of skills and information. We have a big opportunity to make the legal process appear a lot fairer to not only lawyers and judges—if they are honest about it—but the general public.

9.54 am

Dr. Brian Iddon (Bolton, South-East) (Lab): I am a member of the Science and Technology Committee, as I was in the previous Parliament, and it has considered

[Dr. Brian Iddon]

forensic science in depth. Our investigation was prompted by the proposal that followed the McFarland review of the Forensic Science Service published in July 2003. The problem with the service can be summed up in one word: investment. The service needs a lot of investment to continue as it is and, more particularly, to fund new procedures and research—specifically blue-sky research.

There has been a considerable delay while the Government have been making up their mind about what to do about the FSS. The original intention of the McFarland review was to proceed to a Gov-co, the stage at which we shall arrive in December, and then to proceed to a full public-private partnership. Some of us are concerned about that for various reasons.

Blue-sky research, which takes place in the current FSS, would suffer badly if we moved further in the direction of what some of us regard as privatisation. Once we embark on that route, there must be a profit-making service not only to reinvest some of the profits, but, if there are eventually shareholders, to satisfy shareholders' demands.

I am concerned about access to the FSS—which, after all, is one of the best services in the world—for the 43 police forces throughout Great Britain. I have spent some time in forensic science laboratories across Lambeth bridge, at the FSS in Euxton, near Chorley, and at Bradford Park, Greater Manchester. Some police forces have their own forensic services—the Greater Manchester police force has one at Bradford Park—which might develop if the police find it more expensive to use the private sector.

I accept that there is a global demand for forensic science, and my hon. Friend the Member for Norwich, North (Dr. Gibson) mentioned some reasons for that—in particular, the identification of bodies in the tsunami and other recent disasters. He mentioned also the letter that we received recently from the Laboratory of the Government Chemist Group Holdings plc and the Forensic Alliance, which are two separate providers of forensic science services. I accept that they act as providers in different ways, but they shall come together as one body.

I am concerned that although the Government's requirement seems to be to drive down prices through more competitive forensic science services, such amalgamations will work in the opposite direction. A large number of providers must compete against one another to create competition in a service, and I do not think that that situation exists. I am concerned also by the step that we have taken towards privatising the FSS.

Police access to the service is important. The police told me, and I think they told the Science and Technology Committee in written evidence, that if costs rise, they shall be more selective about the number of cases and procedures they submit to forensic science for examination. If there is to be a satisfactory conclusion to a criminal case, the more forensic science evidence the better. One certainly cannot rely on one piece of forensic evidence. Such cases often come unstuck either in court or later, when a review of evidence leads to the release of the convicted person.

David Taylor: My hon. Friend suggests that police services would be deterred from using the FSS if costs were to increase significantly. The Minister's predecessor suggested that £180 million would be needed to upgrade DNA investment. Does my hon. Friend agree that the private sector would charge higher rates for access to that capital and incorporate within that a profit element, and also that it is inevitable that the police and other bodies would have to pay significantly higher charges, which would deter them *from using the services in this important area*?

Dr. Iddon: That is precisely the concern that I am trying to express: costs for forensic science services will probably be driven up, which will deter the police from accessing certain aspects of those services.

I am a chemist by background, and I have trained a considerable number of scientists who have gone into the FSS. One finding of our investigation was that the service preferred specialist scientists to enter it—chemists, physicists, biologists or zoologists—rather than people from all the forensic science courses that are proliferating at present.

The Science, Engineering, Manufacturing Technologies Alliance conducted a good investigation of higher education and forensic science, and published a report in 2004. I advise any young person who is considering enrolling on a forensic science course to take a look at that report because, as my hon. Friend the Member for Norwich, North has intimated, there is a great number of such courses and some seem absurd.

For example, Canterbury Christ Church university college has scores of courses; think of a language and it is possible to study forensic science with it. It is also possible to study forensic science with theology. I have in front of me sheets full of possible courses, and it makes me wonder whether all of them are necessary and what the demand is at the end of such courses for the students who graduate from them. Students enrolling on forensic science courses must think very carefully about the courses they are entering. We are concerned about the employability of people who graduate with degrees of the kind listed in the SEMTA report.

I have had some discussions with the head of the department that deals in forensic science at the university of Central Lancashire at Preston. He was so concerned about our concerns that he wrote to me. Those courses are fairly new, of course, and the first graduates are only now beginning to come on to the job market. If I remember the figure correctly, his university recently produced 86 graduates from its first output of students. I was sceptical initially, but I was pleased that most of that first output had gone on to do something else, although not necessarily forensic science. However, it is important to bear it in mind that that is one of the best forensic science courses.

Gratifyingly, many students from that university's first output went into the police force. It is good that policemen and women have an intimate knowledge of forensic science, and many more courses should be made available for police officers who do not have such knowledge, so that they can understand what the scene of crime officers have to do when they attend a crime scene.

I have been to crime scenes, and I have discussed the contamination of evidence with the police and with forensic science officers. It is easy to contaminate

evidence at the scene of crime, and that is often done by police officers themselves, who do not really understand the requirements of the forensic scientist. Therefore, I am very pleased that the university of Central Lancashire—if not some other universities and colleges—is producing forensic science graduates who then enter the police force. That is a good and genuine advantage.

The university of Central Lancashire has also told me that the television representation of forensic science appeals to young people and motivates them to enrol on these courses. There is nothing wrong with that; those programmes are exciting them and encouraging them to study science, although I would not say in most cases that it is real science.

Interestingly, the SEMTA report analyses the balance between what I call real science—subjects such as chemistry, mathematics and statistics—and forensic science. The amount of, and balance, between forensic and real science in these courses differs, which is why I recommend that young people read the report before embarking on such courses.

Another advantage is that, when young people have been hooked by such a course and realise that they have a fascination for studying chemistry, physics or statistics, they often want to study one of the hard sciences further. The university of Central Lancashire told me that such courses have accelerated people on to chemistry courses, for example. Having attended one of those courses, people with a forensic science background with a BSc—or invariably an MSc or a PhD—in chemistry, physics, mathematics or statistics are entering the police force and becoming investigating officers, which is just unbelievable, as few people with such knowledge are members of the police force.

We identified the fact that a much closer liaison is necessary between universities and the Home Office. A lot of research is taking place at the universities that might ultimately be applicable in forensic science. When the Jeffreys laboratory at the university of Leicester was playing with DNA, I am sure that it did not see initially the forensic application. So, one of our report's recommendations was that it is important for our people at the Home Office to scan the horizon, talk closely to the universities throughout the year and keep in contact with them to see whether any new technologies and experimental techniques being developed there might be applicable in the FSS. Recent events in the world of terrorism have shown how much more critical such matters are becoming.

My hon. Friend the Member for Norwich, North referred to the courts. We are worried about the judicial process, and our adversarial system of justice might not be the best in the world. Indeed, there has been some criticism of it. There is no doubt that, if the defence or the prosecution can afford to hire an experienced and extremely charismatic barrister, they will probably be at an advantage over the opposition if they cannot do the same. That is worrying.

The lack of knowledge throughout the judicial process about forensic science is also worrying. Juries have to consider an immense amount of forensic science during a court case, which might be one step too far. In serious fraud cases, the jury might often be held in court for months on end—sometimes years. Some such cases collapse, sometimes because members of the jury have to leave for one reason or another and sometimes, tragically, because a member of the jury has died. We are heading towards the point at which the amount of forensic science evidence might also cause cases to crack, either because they go on too long or because juries cannot reach a verdict because they do not understand the evidence. We have asked the Government to consider setting up judge-only trials in cases of complicated forensic evidence. Perhaps we have not yet reached that stage, but I am sure that we will within 10 years.

We also suggested that the Home Office set up a forum for science and the law, so that lawyers on the one side and scientists on the other, with the Home Office acting as the catalyst, can discuss matters of mutual interest. That would benefit the judicial process. Training for solicitors and lawyers at all levels, especially barristers, is essential. DNA evidence can be complicated in itself, and not many lawyers fully understand the complex DNA evidence that is submitted in some forensic science cases.

A company in my constituency, Zentek Forensics, has entered the area of forensic digital evidence. The digital world is complicated and many criminals are entering it, but this aspect goes further in that many schools are allowing information to be downloaded illegally and many teachers, even head teachers, might not be aware of it. Forensic investigation of what students are doing digitally in schools puts those schools at risk of being sued, but illegal downloading of music on to MP3s and of more seedy information from the internet is an increasing problem that we must consider.

Some expert witnesses go into court for the first time with no training in court procedures. A skilled barrister, despite the honesty and straightforwardness of the expert witness, can often taint such a witness's evidence because that person lacks understanding of court procedures. That worries me. We should offer courses in court procedures and the presentation of evidence in court to all new expert witnesses who might be called upon to give evidence in an important hearing.

Forensic science is important. It attracts the public, particularly young people, to study it at university and I am pleased that the Science and Technology Committee has presented its report to the Government, although we are not happy about some of the Government's replies and we may call the Minister to talk to us further about forensic science. I ask her to tread carefully and ensure that we preserve what is one of the best forensic science services in the world. It must remain just that.

10.11 am

Mr. David Heath (Somerton and Frome) (LD): I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing this debate and on the way in which he introduced the subject. He was Chairman of the Science and Technology Committee on which I served and I recall asking repeatedly for a study on forensic science, which took place only after I left the Committee, to my great sadness. Nevertheless, with the exception of one recommendation, the report is extremely good. I shall come to the exception later because it is an issue with which I fundamentally disagree. I am also grateful to the hon. Member for Bolton, South-East (Dr. Iddon) for his comments.

[Mr. David Heath]

Forensic science is extremely important. Its importance is increasingly relevant, not just because of its coverage on television, which the hon. Member for Norwich, North mentioned, but because it is becoming crucial to the prevention, detection and prosecution of crime. All three elements are fundamental.

Our previous debates on the subject have tended to concentrate on the structure of the FSS. I shall not repeat the arguments other than to say that I am extremely dubious about the wisdom of anything approaching privatisation of probably the best forensic science service in the world and that the Government's halfway house is perhaps more satisfactory than the total privatisation that was envisaged at one stage. However, I fear that the point made by the hon. Member for North-West Leicestershire (David Taylor) that the Government are effectively acting as judge and jury in assessing the success or otherwise of the structures that they have put in place as major shareholders and major customers of the service could affect the financial performance of the FSS and thereby manipulate the outcome of that assessment.

The hon. Member for Norwich, North spoke about a number of different areas and I want to mirror his presentation in some ways. He referred to database issues, including the DNA database. He struck exactly the right chord in recognising the fundamental ethical problem with the current practice of retaining DNA samples from those who are acquitted or, indeed, not even charged with a crime, but merely investigated. A partial database leads to one group of the population who do not have a criminal record and for whom there is no reason for further investigation being available for a DNA match, while the rest of the population is not.

Although we accept that DNA matching is largely reliable, false matches are possible. Therefore, it seems that the only ethical position is for everybody in the population to contribute to the DNA database, or for no one to contribute to it—certainly no one who has not been found guilty of an offence. It would be much more satisfactory if we had that debate openly with the public and decided on the best way to proceed. I do not believe that the present position is sustainable.

Dr. Gibson: What is the hon. Gentleman's view about a situation in which a person gets off a first charge but the DNA is kept and subsequently matches in another crime? Does that justify retention?

Mr. Heath: It does not justify the current system. It justifies holding DNA samples for the whole population, if that is how we want to operate our judicial system. That is the debate that we must have. Either we can match anybody, or we can match nobody, but to select a sample on the basis that they were once investigated and found not to be guilty of a crime, whether through the court system or later stages of the investigation, is unsatisfactory.

Dr. Iddon: Does the hon. Gentleman agree that there is another problem with databases? If we were to move to the Gov-co and particularly the PPP position, the security of access to, and ownership of, databases would become a real problem. We must consider ownership. My preferred option would be for ownership to stay in the state system.

Mr. Heath: That is absolutely critical. I am grateful to the hon. Gentleman for that intervention. He makes a point that I have made in previous debates on the subject. Such a problem would arise, and it would be wrong for commercial interests to be able to buy in to the national DNA database, whether it is partial or complete.

On education, I suppose that one can welcome the proliferation of university courses, to the extent that they are increasing the number of people who study sciences at university empirically, but to a large extent they have replaced the pure sciences—the hard sciences—as the preferred option for many students. I am not convinced that that is necessarily a good thing. We need far more people studying chemistry, physics and mathematics as pure sciences. Also, I worry that people may be entering courses on a false prospect of jobs that simply are not available.

Having said that, I entirely agree and strongly support the Committee's view that such courses should be more readily available, perhaps on a part-time or sandwich course basis, to people in the police service who need to understand and to use the technologies that are available through forensic science—they are now meat and drink to every detective—and also to scene of crime officers, who need to know what they should not disturb and what they should look for on arrival at the scene of a crime. Otherwise, they are in grave risk of contaminating material that may be of crucial value later.

Legal practitioners also need such expertise, which they have not yet evinced. In the commercial courts, there is a high level of technological awareness. Those who practise in such courts often find that they have to get their head around complex science or technology issues by virtue of the work that they do. The criminal Bar has not yet addressed this matter in the same way. Access to appropriate courses to bring people up to date with the latest developments in technology and to make them aware at least of the vocabulary used by experts in the sector is important. Such access would also be important for the judiciary.

We are extremely good at research and development in this country, but we also have a lot to learn, particularly on crime prevention. I remember the visit, as will the hon. Members for Bolton, South-East and for Norwich, North, to the Lawrence Livermore laboratories and the amount of money that the Americans throw at crime prevention techniques. There is an association with the prevention of terrorism. That suggests that we lag far behind.

I do not suggest that we can match the Americans, or that we need to replicate American research. However, I hope that technology transfer between the United States, laboratories in other countries and our services is at a high level, so that we can profit from advances and share what we have developed.

I must add a word of caution. This is a fast-advancing area of work. Technologies are being brought on to the market for which Governments are principal customers. There is a risk of some of the dangers that there have

been in defence procurement coming into Home Office procurement. We must carefully examine movements of personnel between government in its widest sense, including the police service, and the companies involved in the research. For example, it would not be appropriate for a former Home Secretary to join a company that was a principal supplier of forensic science technology within months of leaving office and perhaps return to Government at a later stage in an associated Department. We must be extremely careful about that sort of thing. We must have a transparent system.

Finally, I will deal with the area of expert witnesses, which is an important one and which the Select Committee has brought up. In some areas, we still have a dearth of properly qualified expert witnesses. That has a knock-on effect on court procedure, because a limited pool to draw from is vulnerable to the fashion that afflicts some areas of technology on occasions. That means that all the witnesses are drawing the same conclusions, which might be false, on the basis of a commonly held theory, rather than looking at things ab origine in order to make a proper assessment of the value of the evidence. For instance, there is particular lack in the area of paediatric pathologists. We should actively seek to train people in that specialty.

Where I disagree with the Select Committee and with the hon. Member for Bolton, South-East is on complex trials and the removal of trial by jury. I cannot believe that colleagues are encouraging the Home Office to take another area of the courts system away from trial by jury. It does not normally need much encouragement to follow that line. I will make it plain: if courts do not understand the evidence that is before them, that is a failure of the lawyers in the room and not a failure of the jury system. It is clear that we must have lawyers who are capable of presenting complex evidence in a form that can be understood by the jury.

Let us consider complex fraud. I do not want to rehearse the arguments, but it is not the jury that has caused the difficulties in the management of such cases but the fact that the judge and the lawyers have not got their act together to present the case appropriately.

I was pleased by the Government's response to the Select Committee about the removal of trial by jury:

"The Government has no plans to seek to extend the ambit of this provision."

I have heard about there being "no plans" to change policies before; it is like the Ministry of Defence investing in a facility and the next day it is gone. It worries me that the Home Office may still have designs on this area, and I am sad to hear colleagues supporting that. However, I agree with them that we need much more pre-trial assessment before the judge of conflicting professional evidence, and a clear assessment of what is agreed ground that can be put before the court in the appropriate way. I also agree that, where the judge needs it, he should have readily available an expert assessor of his own in the form of an amicus curiae, who can sift the evidence and assess the relative strengths of the arguments presented by expert witnesses on either side of the case.

I also support the suggestion that a scientific review committee should be set up within the Criminal Cases Review Commission. It is sensible and I hope that in due course it will commend itself to the Department for Constitutional Affairs.

One final area of court procedure that was not mentioned in the report is the coroners' courts, and the increasing need not only for complex forensic science support for those courts but for that to be timely—and sometimes in large quantities—when dealing with disasters, both natural and man-made. I hope that forensic science will not be forgotten in the review and restructuring of coroners' courts.

This is a fast-developing and important sector, and one thing it is lacking is any understanding from those who are not scientists of the complexity of what things such as probabilities and the structures of science mean. If the legal profession and the police did a better job of making themselves aware both of what is available and how it can be used, and of what such things mean in terms of their probative value, we would have a service of which we can be justly proud.

10.27 am

Patrick Mercer (Newark) (Con): I am grateful for the opportunity to speak from the Opposition Benches on this subject. The hon. Member for Norwich, North (Dr. Gibson), who is extremely well educated and learned, told me I would find the debate boring, but not a bit of it. I suspect that I am the only person present without a single science qualification to my name, but, on the other hand, I have some practical experience of forensic science in the field, which I might touch on if time permits me to do so.

I congratulate the hon. Member for Norwich, North on securing the debate, although I feel slightly out of place among three former or serving members of the Science and Technology Committee. I have looked at the report, although perhaps not in as much depth as I should. It is interesting and important. The hon. Member for Somerton and Frome (Mr. Heath) made the point that this is a fast-developing field, and the ignorance among people such as me is truly worrying.

The hon. Member for Norwich, North talked similarly about evolving technology. That, too, is worrying, given the debates that will take place this afternoon on the DNA database and the identity card issue. That fills me with horror, although I agree that if we are to have any sort of DNA database—partial or whole—its security is crucial. Both the hon. Gentleman and the hon. Member for Bolton, South-East (Dr. Iddon) made some clear and prescient points about the need for education at all levels, providing university places to correctly qualified people in the first place, police recruitment programmes to move people from such courses into the police, and training for judges, juries and expert witnesses.

I find this matter hugely interesting, particularly because I have seen the difficulties that well qualified and extremely experienced scene of crime officers face when millions of ignorant Army boots have stamped over scenes of crime—allegedly in the pursuit of terrorists, but probably in pursuit of souvenirs if truth be told—thereby ruining scientific follow-up and any ability of the police to do their job properly. Most importantly, the ability to prosecute terrorists is also ruined. I suggest that education should extend not only to police officers and the like, but, due to their increasing involvement, to the officers and soldiers of the armed forces. They need to understand the implications of such matters, and I shall touch on that in a moment.

[Patrick Mercer]

The hon. Member for Somerton and Frome made some excellent points, particularly about judge-only trials. I absolutely accept the point put by the hon. Member for Bolton, South-East—as this field evolves, so it will become much more difficult for a Joe Ordinary such as me to understand what is going on—but I would find it extraordinarily difficult to support any further restriction of jury trial in this country.

Speaking as someone who has stood in front of a court and been tried without a jury present, I found the process deeply distasteful and worrying, and I see no reason why it should be extended. I bow with all due humility to the hon. Member for Bolton, South-East when he says that that process may evolve, but I hope it will not. I hope that the Government will resist it. I make the point clearly to the Minister that the official Opposition would argue against that tooth and nail.

I shall conclude, if I may, with a little homily. The largest bomb ever to be exploded in Northern Ireland, to the best of my knowledge, consisted of 3,500 lbs of mixed commercial and home-made explosive. It was packed into a white Hiace van and exploded during the middle of 1991 with deafening and highly damaging consequences. It caused no casualties—one or two people might have been injured, but no one was killed—and the target was the Northern Ireland forensic science laboratory.

Why is that important? NIFSL, which was the precursor to Forensic Science Northern Ireland, was making huge inroads in the investigation of terrorist paramilitaries on both sides of the divide in Northern Ireland. I watched that service develop during a couple of decades serving in Northern Ireland. It started as a series of huts at police headquarters at Knock and in the late 1980s it moved into a custom-built area, which, in theory at least, was secure from terrorism and was nicely compacted—later on, in more ways than one—so that people from different departments could have access to evidence as necessary.

We saw evidence disappear into the black maw of NIFSL, where who knows what happened to it, only for it to reappear years later to become crucial in nailing a terrorist and sending him down for a very long time. That is why NIFSL was attacked.

That attack was extremely successful and it destroyed a huge amount of evidence, making the legal process incredibly difficult. Most importantly, the intelligence used in making that attack came from inside the laboratory itself. It had been infiltrated—I do not know how—and detailed reconnaissance was carried out by the terrorists before they struck. They did so extremely successfully.

Why am I going on about this at length? This is a developing field and terrorism will be a huge scourge upon this country. We saw evidence of that on 7 and 21 July, and it is my view that there is plenty more where that came from. I have seen societies come close to being ruined by terrorism. We need to ensure that any means we have of combating it are protected from the word go and properly funded, and due security must be borne in mind throughout.

Although aspects of the Forensic Science Service could be considered for a public-private partnership, the Minister should bear in mind the experiences of NIFSL. She must understand that due to the deeply sensitive material with which these laboratories will have to deal—whether it is related to terrorism, organised crime or other crimes—above and beyond everything else, security must be the priority. Without that, we stand the chance of exactly the same happening in this country as happened in Ulster.

This has been an extraordinarily useful debate and I am so sorry that more hon. Members were not present to hear what has been said about this interesting field. I must tell the Minister that I admire the work that the Forensic Science Service has done. It is hugely useful, but it must be properly funded and protected.

10.35 am

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): I do not know whether having a GCSE in biology puts me ahead or behind the hon. Member for Newark (Patrick Mercer), but I am certainly among the least qualified speakers in this debate. I am from the substitutes' bench, too: the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham), is the Minister with responsibility for this subject, but he is tied up with the Immigration, Asylum and Nationality Bill at the moment, and with the identity cards debate later today, so I am stepping up.

I am privileged to be in this company. My hon. Friend the Member for Norwich, North (Dr. Gibson) has championed science throughout his time in the House. I have often admired his contributions, which demonstrate the importance of ensuring that the scientific illiteracy to which the hon. Member for Newark and I have confessed is not an excuse for a lack of thoughtful, careful policy making and legislation that includes science and draws on the insights of the scientific community. If the Government were to fail to do that, we would fail in our intention of making the best policy. Furthermore, my hon. Friend makes that point more clearly than any other hon. Member, although he is run a close second by my hon. Friend the Member for Bolton, South-East (Dr. Iddon). However, I am more familiar with their contributions than those of other hon. Members, because they are on the same Benches as me.

What I have found most interesting about this debate is that we have focused on that message, rather than on the administrative issues associated with the future of the Forensic Science Service, which have been at the centre of the controversies. We have focused on the specific way in which the Forensic Science Service can contribute to our police and our criminal justice system, and how it can be excellent. I am new to this discipline and the complex issues surrounding it, but the understanding and commitment demonstrated in this debate are good signs that the Government will be held effectively to account on how we deliver our planned changes to the FSS. We have an ongoing commitment to high-quality provision of forensic science. However, we will also make sure that there is continuity of service and ever-improving performance, which requires the collective effort of all criminal justice stakeholders, both now and in future.

My hon. Friend the Member for Bolton, South-East said that his Committee might again call Ministers to give evidence. The Under-Secretary will give evidence

to the Science and Technology Committee when it meets on 23 November, and I will ensure that this debate is drawn to his attention, because it is important that he is aware of the issues raised today. I think that those issues will inform how he addresses that hearing and ensure that he does so as well as possible.

The Government welcomed the Committee's report as helpful and constructive, and recognised the important contribution of forensic science in detecting crime. However, we must make sure that the FSS is at the cutting edge and that it has the best investment. The independent McFarland review concluded that the trading fund model would not allow the FSS to compete effectively in an increasingly dynamic forensic science market, to deliver its full potential or to remain at the leading edge of forensic science in the UK and internationally—this debate has made it clear that that is our shared ambition. It therefore recommended that, as a first step, the FSS should be transformed into a Government-owned company with the aim of evolution into a public-private partnership, which is our current position.

December 2005 has been identified as the target date for vesting as a Gov-co, and work is under way to make sure that the new organisation is set up with the appropriate powers, freedom, structures and resources to enable it to operate on a robust and sustainable basis at arm's length from the Home Office and to ensure that it completes the necessary business planning to enable success. My hon. Friend the Member for North-West Leicestershire (David Taylor), who has now left, referred to how the Home Office will evaluate that process and asked whether it would act as judge and jury. Our view is that, for a number of reasons, the Home Office is best placed to determine what is best for the Forensic Science Service.

Dr. Gibson: Will the Minister indicate whom in the private sector the Government are talking to or recommending that we should talk to?

Fiona Mactaggart: I cannot, without notice, name companies or individuals, but I shall ensure that the Under-Secretary can answer that question when he appears before the Select Committee.

What I was saying connects with the contribution by the hon. Member for Newark, which concerned the centrality of the Forensic Science Service to Government efforts to prevent terrorism and to deter and detect crime. The best placed bodies to assess how successful we have been and what is best for the service are the police, the wider criminal justice system and the Home Office, and we will need to work with the private sector to take account of current performance, technological developments and the impact of market forces. We are best placed to decide on the wider security issues.

It is critical that the Government should be as open as possible about the process. When I spoke to the Under-Secretary, what emerged was the most important message for me to communicate in this debate. He expected the debate to focus more on the structural issues, but he said that he is absolutely committed to being as open as possible about the criteria used to conduct the assessment of how we go forward, although obviously without revealing information that might be detrimental to the commercial operation of the Forensic Science Service.

Specific measures to assess the performance of the Gov-co are being developed as part of the ongoing business planning process. We have developed conditions precedent to any future move to PPP as part of ongoing planning for transformation. There is no intention to conceal any performance-related information, but it would not be reasonable to disclose commercially sensitive information that could undermine the ability of the organisation to operate effectively.

In line with the Committee's request and in the interests of transparency, careful consideration will be given to what information would be appropriate for the public domain, and I hope that that deals with the concerns raised by the hon. Member for Somerton and Frome (Mr. Heath).

There was another question about police access to the service, which is critical because, following the Gershon review, the police are already under pressure. We estimate that the changes we propose to the Forensic Science Service and the procurement issues being addressed by the Association of Chief Police Officers, the Association of Police Authorities and the Home Office, will deliver reform that will give the police a strong first line of reference and better-standard tendering arrangements to allow them to ensure that they get what they need, which is the critical point, in a cost-effective way with high-quality standards. We are in a position to improve access, but we must consider what we are improving access to.

One issue under consideration is the national DNA database, which will not be transferred to the Gov-co and the public-private partnership and which will, rightly, be retained under strong central control. It is a national criminal justice asset, a world leader and one of the UK's key intelligence databases, and it is available to the police in their fight against crime.

Retaining samples is a practice that has been tested in the courts in Regina *v.* Chief Constable of South Yorkshire ex parte LS and Marper, which later made it possible to indict people whose samples were retained. The courts agreed with the present arrangements, by which the samples from people who have given consent in one investigation can be tested in another case. Why should we not move straight to universal testing? First, there is the issue of consent. Secondly, there is the question of the most cost-effective way in which to make the best progress on the database. The present arrangements, which are relatively cost-effective, provide a database that can be used to investigate later crimes.

The retention of the profiles of people who have been involved in a previous investigation creates a reasonable balance between requiring every citizen to provide DNA evidence and the previous arrangements in which people who turned out to have been involved in other crimes were detected through DNA samples retained following a previous investigation. The present arrangements work better than an arrangement by which all samples are destroyed after a particular investigation. Frankly, a

[Fiona Mactaggart]

person who does not commit a crime in the future has nothing to fear from the fact that their samples are retained.

Dr. Gibson: Will the Minister tell us or will she find out how many samples retained after wrongful arrest have paid off in terms of a second or third offence? Is the percentage large or small?

Fiona Mactaggart: I cannot offer my hon. Friend percentages, but because of retained DNA, there have been a significant number of successful prosecutions, including prosecutions for incidents that have resulted in death. Retention has played a significant role in the detection of crime.

The Home Office has been working with the major stakeholders, including the Association of Chief Police Officers, the Association of Police Authorities, the Human Genetics Commission and the custodian of the database to ensure that changes are carried out to improve the strength and transparency of oversight. The management of the national DNA database will be carried out by a dedicated unit initially in the Home Office, overseen by a tripartite board composed of the Home Office, ACPO and APA, with representatives permanently invited from the Human Genetics Commission. A dedicated ethics group is being developed to strengthen further independent oversight.

The operational delivery of database services—the loading of DNA profiles and the reporting of subsequent matches—will continue to be provided by the FSS in the first instance to ensure continuity of service to the police. The separation of operational delivery from the establishment and maintenance of standards will enable value for money to be maximised, while the control of oversight within the public sector will clearly be retained. Wider consultation will take place about the most effective long-term oversight of the national DNA database and other national forensic databases, which should enhance public confidence in the safeguards and ethical controls, which are being developed.

Education and training have formed one of the themes in the debate, and I recognise their importance in the forensic sciences. Higher education is not a Home Office responsibility, but the Forensic Science Society's accreditation scheme is seen as a positive step. Although the society's accreditation scheme remains to be established as the accepted industry standard, students attending such accredited courses are likely to be far better prepared to apply to forensic science employers and to attend a subsequent interview.

I was pleased to learn from my hon. Friend the Member for Bolton, South-East that graduates of some forensic science courses are going into the police service, and I share his confidence that that will turn out to be a positive development. Some of us were a little anxious about Mickey Mouse courses—perhaps that is not a ministerial expression, so let us say that anxieties were expressed—yet the courses provide a flow of graduates to the police service. I always look forward to more graduate recruitment to the police service so that we can get the high-quality police officers that we require.

The Home Office has close links with the Engineering and Physical Sciences Research Council on this subject and has held meetings with other research councils to improve links to the research community. Such initiatives will enable some blue-sky horizon scanning, which, as my hon. Friend the Member for Norwich, North has pointed out, is important. The Home Office chief scientific adviser agreed to raise with his equivalent in the Department for Education and Skills some of the issues relating to course standards, and that conversation will continue.

We accept that blue-sky research is extremely limited at present. Only 2 per cent. of FSS turnover goes to research and development, and blue-sky work is only a small part of that. In a commercial market, the commercial imperative will create pressure to increase blue-sky research, and we look forward to that.

Mr. Heath: Will the Minister give way?

Fiona Mactaggart: I wish to deal with forensic evidence in courts. I know that the hon. Gentleman is concerned about it, but, if he interrupts me, he risks not hearing that part of my contribution. As he is not persisting, I shall continue.

The report made several key recommendations that are aimed at improving the handling of expert evidence in court and maximising the contribution of forensic science to criminal justice. I understand that there is particular concern about requiring expert witnesses to clarify areas of agreement and disagreement before a trial takes place. I assure hon. Members that good news is on the horizon. The Criminal Procedure Rule Committee yesterday sent out for consultation some draft rules that would address that concern, and there are other ways—apart from the draft rules which, of course, will take some time to bring into effect—to deal with some of the issues about using expert forensic witnesses.

Several other reforms that are already in place are relevant. The criminal procedure rules that were introduced in April already require parties to identify the issues as early as possible in a case, and certainly before a trial. The Criminal Justice Act 2003 lays new disclosure obligations on the defence—notably, to disclose the nature of the defence and the points on which the defence will take issue with the prosecution.

Robust judicial management of such new tools together with the roll-out of the effective trial management programme should already be helping with the refinement of expert evidence before trial, and, in some ways, we are seeing the results in fewer cracked trials. Although I am not responsible for the FSS, I am responsible for matters of criminal justice. There are many reasons why the number of cracked trials has decreased, and they relate to not only forensic science, but the effective trial management programme, which has become more powerful and which allows more judicial activism. I am confident that the anxieties raised by my hon. Friend the Member for Bolton, South-East about jury trials, which created a great flutter with the hon. Member for Somerton and Frome, will not need to be brought to the fore.

The proposal under the 2003 Act to allow, with the consent of the Lord Chief Justice, long and complex fraud cases to proceed to trial without a jury has

exercised judicial concern and independent investigation of our legal system for decades. Independent reports that were absolutely committed to the jury system—for example, the Auld report—suggested that in such narrow circumstances there is an overwhelming case for considering proceeding to trial without a jury. That is what the Government intend to do, but this is not the first step. Our efforts to enable juries to understand some of the issues in complex fraud trials have not worked, but we intend to help juries with forensic science through better trial management procedures.

At present, I am not keen to take up the invitation offered by my hon. Friend the Member for Bolton, South-East, and I hope that the hon. Member for Somerton and Frome is reassured. He should be reassured and, frankly, I believe that he was intentionally making mischief. However, he did not do so during the rest of the debate, and nor did any other hon. Members.

We have properly focused on the important issues: the need to ensure that forensic science is given due prominence in the fight against crime and the need to ensure that we continue to be a world leader in the development and delivery of forensic science.

I have not dealt with one point raised by my hon. Friend the Member for Bolton, North-East about the planned merger of the two existing independent companies and whether that will substantially reduce competition.

I think that it will increase the cost of entry to the market, which is an important issue, but having a sizeable competitor might improve the quality of service in the new independent Gov-co. One problem in any market with one whale and two or three minnows is that the whale dictates the market, which has happened in other areas. Creating an alternative with more substantial clout can create more competitive pressure. It is not certain that that is the case, but we should not assume that the merger will automatically reduce competition, because in some ways it might increase it.

We are fully committed to ensuring that forensic science is given due prominence in the fight against crime, and our actions to establish a Gov-co will ensure that the Forensic Science Service continues to compete successfully in a dynamic market while protecting the public interest and delivering major benefits to the criminal justice system. Our forensic science services are among the best in the world and we depend on them to keep us safe and to detect crime. I look forward to that continuing.

G8 Agenda for Africa

10.59 am

Pete Wishart (Perth and North Perthshire) (SNP): It is with great pleasure that I introduce this important debate. I was about to say that I look forward to contributions from other hon. Members, but not many of them are here, so instead I shall look forward with great anticipation to the Under-Secretary's response to the debate. It is surprising that few hon. Members are present because this is the first opportunity that we have had to discuss the G8 agenda, how it applies to Africa, how it is being implemented and whether the proposals go far enough to deal with the serious and intractable problems of the continent.

It might be helpful if I put the debate into context. Let me take hon. Members back a few months to those heady pre-summit days, when the whole world seemed to be mobilised in the cause of making poverty history—the days of the impressive Live 8 concerts throughout the world at which celebrities and artists spoke so passionately about the cause of Africa. At the time we really believed that there was a once-in-a-generation opportunity for eight men in a room to get to grips with a serious problem. One of my overriding memories of the period is that of fingers clicking, signifying how every three seconds a child dies of poverty in Africa. At the time, however, what most impressed me was the massive demonstration in Edinburgh, when a quarter of a million people marched through the streets. They were like a human white band, united in optimism. That mass outpouring was as unprecedented as it was impressive; we had seen nothing quite like it before. Prior to the summit there was a genuine belief that the mass mobilisation would make a difference—that it would be enough to encourage world leaders and Governments to make the political commitment and commit the resources necessary to end the scandal in Africa.

Here in the United Kingdom, we took the Government's commitment to lead the cause at face value. We were impressed by the way in which they placed Africa and world poverty at the centre of the G8 agenda. We watched the Chancellor look at the problems of the continent and speak to African leaders. We listened with awe as he rattled off massive, impenetrable figures in his usual manner, committing the Government to the continent. I think that we were all seduced by what was happening. I certainly was. As I marched with those people in Edinburgh, I really felt that something would happen. I was lucky enough to get tickets to the Live 8 concert at Murrayfield. I heard Bob and Bono say that they were going to Gleneagles the next day to secure a history-making deal. I was particularly delighted that beautiful Perthshire had been chosen as the location for the G8 summit. Everyone in Perthshire was excited about the event. I was looking forward to the days after the summit and to introducing "the Perthshire accord" as the significant moment when we turned the corner in dealing with the issues of the continent.

Then, of course, the summit was over. Suddenly, reality kicked in and we all sobered up pretty damn quickly. Yes, we had seen the beaming faces of world leaders and Heads of Governments and heard them trumpet the summit as a great success and say what a great deal it was for Africa. Even Bob and Bono gave it

[Pete Wishart]

10 out of 10 and practically demobbed us from the cause, just as we had started to get the whole thing going. However, it did not seem like an historic and significant agreement. It did not read like an historic and significant agreement. It read like what it was: a welcome, but modest, set of proposals that will help Africa, of course, but do little to deal with the fundamental problems of the continent.

The G8 summit just fizzled out. I accept that the London bombings happened and, quite rightly, the attention of the press focused on that. As a result, however, much of the energy that had been generated by the G8 summit was lost; it just evaporated in a most unsatisfactory way. Since Gleneagles, the familiar, more depressing images of Africa have come back to haunt our television screens, such as reports of the famine in Niger. We now know that there are great difficulties throughout southern Africa, from Uganda to Zambia and from Mozambique to Zimbabwe, where there is now a real threat of drought and further famine. Africa does not look or feel like a continent that is getting better; it looks like a continent that is continuing to get sicker. That is why we need the deal to be implemented fast.

During the summer, the non-governmental organisations and the aid agencies had an opportunity to assess the G8 proposals for Africa properly. Their examination has been forensic, so now is the time to ask questions. What has been done since Gleneagles? How far have we got in implementing the commitments? Will we get measures in place quickly enough to deal with the problems that are emerging in southern Africa? Are the commitments enough even to start to deal with the crippling concoction of issues that Africa has to deal with every day? What real difference will they make on the ground? Most important, what more must we now do to secure real justice for Africa?

Before we examine all those things, it might be useful to review what was agreed at the Gleneagles summit. There was a commitment to double aid by 2010: we were told that there would be an extra $50 billion worldwide and an extra $25 billion for Africa. The debts of 18 of the world's poorest countries, most of which are in Africa, would be written off: we were told that that was worth $40 billion, and will be worth in excess of $50 billion as more countries qualify. In a welcome move, Nigeria's debt—worth $17 billion—to the Paris Club was written off. There was a commitment to end all export subsidies, although the detail of how that was to be achieved was vague. The G8 also committed to reducing domestic subsidies, although how that was to be delivered was even more vague. Almost laughably now, it was agreed that developing countries will

"decide, plan and sequence their economic policies to fit with their own development strategies, for which they should be accountable to their people".

That commitment needs to be examined forensically, especially given all the stringent conditionalities that have emerged during the summer. There were other welcome commitments about tackling HIV/AIDS and improving health care generally, as well as good news about increasing access to free education. It was all good stuff and to be welcomed.

I have reeled off the issues briefly, but the main headline was the news about debt relief and increased aid. Not even the most enthusiastic champion of the Gleneagles settlement would say that it was a great deal for trade justice. Looking at the final communiqué from the G8, one could argue that trade justice is going backwards, given all the references to increased liberalisation, privatisation and reciprocal market access. Let us be charitable, however, and leave trade justice to the side and focus on what was said about aid and debt relief. Let us unravel those measures a little to see whether they do what they say on the tin and whether we are close to having them delivered.

I welcome immensely what was delivered at Gleneagles. It was great—anything extra to Africa has to be welcomed and everybody present should welcome it. However, there is a big difference between welcoming what was agreed and agreeing that it is enough to deal with some of the intractable issues in Africa. I appreciate that this is only the start of the process—we have taken a long time to get started—and that further commitments will be rolled out in the near future. In return, I expect honesty in terms of acknowledging the limitations of the agreement. We should examine the problems of its implementation and continue to press for the increased resources that we as a very rich nation can deliver. We could deliver so much more than we do.

I know that it is in the instincts of Governments to spin—to make modest achievements look like great successes—but that is singularly unhelpful when dealing with issues such as the problems of Africa, which we must all unite to deal with. We have to be realistic and accept the limitations and deficiencies of some of the proposals. Government should also be big enough to accept the helpful criticism offered by aid agencies and NGOs. They are trying, not to embarrass the Government or trip them up, but to get the best deal for the world's poor.

Let us consider the extra money and debt cancellation. During the summer NGOs and aid agencies examined the commitment and discovered that it is more fragile than we thought. Make Poverty History says that of the $50 billion of "new money", only £7 billion is new money; the rest has already been committed through other programmes. The amount talked about ranges from £7 billion and £20 billion, so I should like the Under-Secretary to say clearly how much of the package involves new money and how much of the money has been recycled from pledges already made to the continent.

Let us look at how far the agreement extends. Only 18 countries—those that have reached the completion point of the heavily indebted poor countries initiative—will qualify for the debt relief package decided by the G8. There are about 53 countries in Africa and most of the poorest nations are excluded from the proposals. I know and accept that there is a commitment to include other nations, but will the Minister say when other countries will be included, how quickly that will happen and what conditions they will have to meet?

Mr. Chris Mullin (Sunderland, South) (Lab): I acknowledge the strength of what the hon. Gentleman is saying. However, he is not arguing, is he, that debt relief should be given, for example, to countries that are still engaged in civil war, which are likely to spend the money

made available on armaments, or to countries in which corruption is so great that we could not be sure that the money would be used wisely?

Pete Wishart: Absolutely not. We have to clearly define what we mean by conditionalities. Nobody would argue that money should be given to corrupt regimes that would waste it in their own fantasy worlds, but insisting on economic policies such as further privatisations makes a big difference and concerns the aid agencies and the NGOs. Why do we insist on those conditions being met before money is given?

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): Let me deal with that now. We are not interested in further privatisations. Given the hon. Gentleman's research for this debate, I am surprised that he is unaware of the statement made in March by the Secretary of State for International Development, in which my right hon. Friend made it absolutely clear that we do not insist on privatisation or other policy options.

Pete Wishart: I am grateful for that clarification. Perhaps the Under-Secretary will explain the fine print in the communiqué of the International Monetary Fund and the World Bank on ratifying the G8 proposals. It states clearly that the countries that have achieved the HIPC completion point will have to demonstrate

"sound policies and high standards of governance."

There is a lot in the fine print of that communiqué. Will the hon. Gentleman address some of those issues in his summing-up and tell us what is meant by those clear statements from the IMF and the World Bank?

Andrew George (St. Ives) (LD): The hon. Gentleman makes a good point. I hope that the Minister will also address the UK Government's complicity in water privatisation arrangements that have failed catastrophically in Tanzania and Sierra Leone, which have clearly embarrassed the UK companies involved.

Pete Wishart: The hon. Gentleman makes a good point. The conditionalities are a real concern for aid agencies and international organisations. The issue will be the subject of much campaigning, especially by Jubilee 2000, in the next few months. I hope that hon. Members will look carefully at the case made by the aid agencies and NGOs and support their efforts. It is important that we do that, given that the World Trade Organisation is to meet in a few months' time. Those conditionalities will be the focus of international aid, debt relief and further contributions to Africa in the next few months. I hope that we will engage seriously in that debate.

Returning to the agreement, issues remain even for those 18 countries that are fortunate enough to be part of the process. The small print is crucial. To qualify for HIPC completion, the 18 nations have to jump through all sorts of hoops and it seems from the IMF communiqué that more hoops will have to be jumped through in future. The IMF could not be clearer when it says that

"sound policies and high standards of governance"

have to be adopted by the 18 countries. That suggests that further conditions will have to be met before the debt relief is written off. I should like those statements to be clarified. Will eligibility for the programme depend on the adoption of the economic policies prescribed by the IMF and the World Bank? Many in the NGO community and among the general public think that it will be.

There is also a general assumption that, on the conclusion of the agreement, the money will immediately be available for African Governments and nations to use to embark on new development programmes and to try to achieve economic growth. Governments have encouraged that attitude. However, although it is true that the 18 eligible countries will qualify for 100 per cent. debt cancellation, that deal seems to be funded by a redistribution of all the available aid for those nations. That is particularly true of the assistance being offered by the International Development Association. That is an important point, because it seems likely that, as debt is written off, the assistance given through further aid will be reduced. That is giving with one hand and taking away with the other. Some NGOs believe that the package that we are discussing will account for only 10 per cent. of the debt owed by such countries. I would like the Minister to clarify that point. Will countries receiving debt relief be subject to a commensurate reduction in the resources that they receive from the IDA? That is a crucial point.

The deal also proposes that the World Bank be compensated for the extra expenditure through an increase in contributions to the IDA from the G8 and other donor nations, thus restoring its funding to previous levels. The new money is to be distributed to all 81 countries that receive money from the IDA. It will be given out in proportion to how well they conform with World Bank-approved economic and social policy. Does the Minister believe that money should be taken away when countries are given a debt relief package? Surely new money pledged should not be taken away through other sources.

Everywhere we go in this process, our old friends the conditionalities raise their heads. That will be the subject of a campaign in the next few months, and I hope that hon. Members will participate in it. The conditionalities are actually contrary to the part of the G8 agreement that states that developing countries should

"decide, plan and sequence their economic policies".

I want to find out how conditionalities match up with that clear commitment in the G8 accord.

The biggest concern is whether the proposals are enough to deal with the intractable problems in Africa. I suggest that they are not. We have to get back to the clear programme set out for trying to achieve the millennium development goals. I am glad that there is now a target to reach—an historic commitment to give 0.7 per cent. of gross national income as overseas aid—but that commitment was made 35 years ago. Every year that we renege on that commitment, we short-change the world's poor.

There seems to be a misunderstanding of where the figure of 0.7 per cent. comes from and what it represents. The most common misunderstanding is that the 0.7 per cent. is somehow charity or a gift from the rich nations

[Pete Wishart]

to the poor nations, but as Kumi Naidoo consistently points out, it has nothing to do with charity; it is about justice. It is reparation for what we as colonising powers did to African nations. It is about redressing the debt owed after impoverishing a continent through subjugation, slavery and brutal extraction. Once those developing countries secured their independence and started their fledgling democracies, we kicked them around like footballs during the cold war.

Debt cancellation has nothing to do with charity; it is about historical redress. We knew what we were doing when we gave massive loans to corrupt, tin-pot dictators and their crazy programmes, because they were our tin-pot dictators. Let us therefore accept that the 0.7 per cent. figure has nothing to do with charity and everything to do with doing the right thing. Every year that we delay the payment, we postpone repaying our historical debt. We know that the money can be found. We need only look at Iraq: some £500 million has already been spent in that war and some £30 billion of debt was written off under the debt package for oil-rich Iraq. As I said at the outset, Africa must be seen to become the people's international priority. If we were to ask people on what they would like such sums to be spent, I believe that Africa would rank pretty high on the list, and a war on Iraq would probably rank pretty low, if not come right at the bottom.

We face the depressing conclusion that compliance commitments to Africa made by the G8 and the international community in general have been less than robust. The Toronto-based group that considers such issues concluded that the G8 is notoriously bad at keeping its promises to Africa. That is why I have consistently called for some sort of compliance facility to monitor the roll-out of not just the Gleneagles commitment, but other commitments made to Africa over the past few decades. I have helpfully suggested that that should be based in Perthshire, close to where the Gleneagles summit took place. Is the Minister happy with the record of compliance with previous G8 commitments? Does he perceive a role for a UK-based agency that could bring together the national Governments, the NGOs and the African nations to ensure that there is proper compliance with what is agreed?

I reiterate that I welcome what was agreed at the G8. However, I do not think that it will make poverty history. I think that poverty will be a depressing ever-present reality until we get close to getting the millennium development goals back on track and to meeting our 0.7 per cent. of GNI commitment. Kumi Naidoo said of the G8 summit that the people roared and the G8 whispered; that is the best quote I have heard on that event. I look forward to hearing the Minister's response, hopefully at full volume.

11.20 am

Ms Celia Barlow (Hove) (Lab): I congratulate the hon. Member for Perth and North Perthshire (Pete Wishart) on securing the debate.

Issues to do with international development have risen to the top of the media agenda in recent years, in large part due to this Government's prioritisation of the subject. Such political and media attention has created for those of us who care passionately about the subject a unique opportunity to effect the change that those who need development aid so desperately need.

I will not rehearse the long list of policy accomplishments for which this Government can rightly take credit, other than to note with satisfaction that a great number of the world's most pressing poverty issues have been addressed seriously for the first time. As a result, aid agencies have benefited from the greatest increase in developmental spending by any British Government. That is what I want to talk about today, because it is clear that the growing role of non-governmental organisations in aid delivery gives rise not only to great possibilities but to challenges, and some of those challenges have yet to be met by the organisations that serve the world's poorest and most vulnerable people.

In order to make the most of the time allowed to me today, I will focus on two aspects of aid implementation which I believe should be addressed as a matter of urgency: the need for greater accountability and co-operation by NGOs, particularly in emergency situations; and the need to improve the quality of facilitation and implementation in the field, where long-term development assistance is being offered.

In times of emergencies, such as those on Boxing day last year in south-east Asia and more recently in the United States and Pakistan, the generosity of the Government and individuals is often swift and bountiful. The combination of saturation news coverage, plentiful funding and genuine human suffering places great pressure on aid organisations to take immediate action, or, as is sometimes the case, to be seen to take action. The era of intense competition has reached the aid community, so the need for agencies to satisfy donors, supporters and the public with regular appearances on the television and the nation's media in general should not be surprising.

Many journalists and aid workers who have worked amid catastrophe often return home with stories of confusion, duplication and territorialisation among the aid community. Such anecdotal reports are no longer the preserve of hard-pressed or cynical reporters and field workers. The 2005 Red Cross disasters report confirms what many have suspected for some time. The section of the report that refers to the tsunami relief in Aceh states:

"As dramatic stories of suffering hit the headlines, more agencies poured in, expecting the worst. But aid workers arriving at ... 'ground zero' of the western coast, on 4 January were surprised to find survivors being well cared for by the Indonesian army and authorities. A scramble for beneficiaries began. Some agencies jealously guarded their information to ensure their 'niche'. Within weeks, the 'humanitarian space' had become too small for all these actors. Coordination became difficult. Out of 200 agencies present in late January, only 46 submitted reports to UN coordinators. Joint needs assessments were rare. Language proved problematic, with UN meetings held in English and government meetings in Indonesian. Without knowing who was doing what and where, some communities were overwhelmed with aid while others were neglected.

At the root of coordination problems was one key factor: too much money. Nearly everyone could hire a helicopter or boat, make their own needs assessments and distributions, and 'fly the flag'."

I commend and fully support the Red Cross for taking the bold decision to publish such a forthright account of the aid situation. As policy makers, we must rise to the

challenge set by the report and act with impunity against aid agencies that operate without the interests of the suffering as their only priority.

There is often a political vacuum in areas of conflict or humanitarian crisis. The United Nations commands deep respect and a degree of legitimacy, but it is not legally mandated to co-ordinate and control such situations. If a UN representative witnesses non-co-operation or bad practice within the aid community, what can they do? The answer all too often is nothing. That is unacceptable and must be remedied to ensure best practice at all times and in all places.

The second aspect of aid implementation is the delivery of long-term assistance. Spending on aid to Africa has historically been low. The Government have been redressing that in recent years, and soon they will be spending £1.25 billion on aid to Africa each year. That should be celebrated as a welcome step, not a modest one, towards enabling African recovery.

Success with local economic development initiatives in Africa has often proved stubbornly elusive. However, that should never be used as an excuse to avoid investment in such initiatives; it should inspire us to gain a deeper understanding of the areas of greatest weakness in poverty-alleviation schemes. Often the weakest links in the chain from donor to recipient are those who are charged with implementing and facilitating development on the ground. We often talk about the lack of capacity in communities receiving assistance, but we also need to focus on the lack of capacity in the agencies charged with implementing aid. Such agencies include governmental as well as non-governmental organisations.

Aid work relies heavily on those charged with implementation of assistance, and the vast expansion in community-based development initiatives of recent years has placed a strain on agencies' capacity to recruit staff of adequate abilities and experience who are willing to work in remote and isolated places. As a major donor, this country must consider that factor. In addition to spending on projects, investment in human resources and in education systems that provide training on aid implementation would be a great asset to African development.

Thanks to this Government, the aid community is better resourced than at any other time. Now is the time to rise to the challenge set by the people of this country who have been so generous and who have such high expectations.

11.28 am

Greg Mulholland (Leeds, North-West) (LD): I, too, welcome the debate secured by the hon. Member for Perth and North Perthshire (Pete Wishart). Although I am speaking from the Back Benches, I am proud to be making my first parliamentary contribution as my party's junior spokesperson on international development. I have had an interesting journey. Probably like many of us, I was one of those campaigners who sent those now very annoying postcards that we receive in our inboxes all the time. At least I know that they work and that hon. Members and the Government sit up and take notice. I am not sure whether my staff share my passion for the postcards, as they are the ones who have to deal with them.

I have another passion, which I share with the hon. Gentleman: music. I have also contributed in a small way to popular music. My musical career in no way emulated his successful one, and I have accepted that my career is now in this place rather than on the stage. Nevertheless, there is an interesting parallel. In this House and elsewhere, there is cross-party approval of certain types of music and certain bands, and a real passion. My only regret is that we have no representation in MP4—perhaps that may change.

On issues of such importance to Members on both sides of the House, we must as far as possible, to continue with the musical metaphor, sing from the same hymn sheet. What did the G8 summit at Gleneagles really achieve? I strongly disagree with some of the comments of the hon. Member for Hove (Ms Barlow). This is not a time to look at the Government's proud record, or at the fact that Bob Geldof gave the summit 10 out of 10. The Secretary of State for International Development said that 2005 is an extraordinary year for development, but not a single NGO would agree with that statement in any way, shape or form. I am afraid that we have seen a little too much back-slapping, and we have gone from that to back-pedalling. That is why I welcome today's debate.

I want to focus on what the G8 did not implement but should have implemented in order to respond in any meaningful way to the extraordinary Make Poverty History campaign. I was pleased to see the hon. Member for Perth and North Perthshire at the MPs' event in Edinburgh, as I was to see hon. Members from all parties in the Chamber. That was important. At the G8, not enough was done about aid, not a lot was done about debt, and trade was not even on the agenda.

Of the $50 billion of new aid promised, only $20 billion is new money and has been delayed until 2010. Debt relief of $1 billion has been promised, but leading NGOs acknowledge that $10 billion of relief is needed. Even the $1 billion of debt relief is largely conditional and the hon. Gentleman touched on that. On trade, not only did we not get an answer, the question was not even posed. There has been much discussion in the House about the importance of targets, and every member would sign up to the millennium development goals, yet world leaders are sitting and watching them go by.

To give some stark examples, research from the leading NGOs, CAFOD and Oxfam, has suggested that we will achieve the millennium development goal of universal primary education in sub-Saharan Africa not by the target of 2015, but by 2133. Will the number of people living on less than $1 a day be reduced by half by 2015? No, the goal is set to be achieved by 2150. Will the goal of reducing the mortality of infants under five by two thirds be achieved by 2015? No, it will be 2165. That is 150 years too late. Between 2003 and 2015, there will be 42 million infant deaths in developing countries worldwide. That is the price of inaction during the next few years. It has been said that $50 billion is needed every year to achieve the millennium development goals, not just a total of $50 billion, of which $20 billion is not new money, and only then by 2010. Who said that? Was it Oxfam, Save the Children or CAFOD? No; it was the United Nations and the World Bank.

[Greg Mulholland]

I return to the Make Poverty History campaign, because I have been a campaigner for much longer than I have been a Member of the House. We must all respond positively to that extraordinary coalition of hope, but there is a danger that it may become a coalition of disillusionment. I spoke at a recent event in Yorkshire and told campaigners not to give up, because we are listening and if they do their job and keep on our backs, we will do our job and keep on the Government's back. The Government can do their job by keeping on the backs of world leaders and the G8 to ensure that they deliver on the limited promises that were made and continue to push for those things that were not promised.

By any stretch of the imagination, 2005 has not been an extraordinary year for development. We have had a limited start, but I hope that through debates such as this we will do our bit to keep the subject on the agenda. It is then up to the Government to push for more and better, so that we can see some results. Perhaps then the millennium development goals can be achieved within 50 years, if not by 2015.

11.36 am

Andrew George (St. Ives) (LD): I congratulate the hon. Member for Perth and North Perthshire (Pete Wishart) on securing this important debate. We do not have enough opportunities to debate such important issues and to ensure that we keep Ministers on their toes, to scrutinise promises made in various international forums, and to maintain the pressure not only on our Government, but on Governments throughout the world, and particularly in the G8. The hon. Gentleman, who for good geographical and constituency reasons had cause to follow closely what happened at the G8 in July, has a strong and established passion for the issue, which came across clearly in his opening comments.

The hon. Member for Hove (Ms Barlow) made some strong comments in support of the Government's commitment to Africa. I do not question the sincerity of Ministers or of the commitments that they have made. My hon. Friend the Member for Leeds, North-West (Greg Mulholland) mentioned that the Secretary of State said that 2005 is an "extraordinary year for development". Perhaps he meant extraordinary from the point of view of our opportunities to progress the development agenda. In those terms, this year has been fantastic. We have had the G8 summit. The Government have shown their passion for moving the agenda forward during their EU presidency. The UN summit last month and the important world trade talks in December mean that this is a year of great opportunity.

However, I am worried by the issues that are at the core of this debate. We have to separate spin from substance. My hon. Friend described the back-slapping euphoria of Gleneagles. One can understand why Ministers from our Government and Ministers and leaders from the other countries involved wanted to respond to the passions of the millions of people involved in the Make Poverty History and Live 8 campaigns by saying, "We have gone a long way. On each headline issue of debt, aid and trade, significant progress has been made." Part of the difficulty is that when responding to that level of euphoria, passion and concern, politicians are tempted to overstate the case. As time has passed since the conclusion of the G8 summit, some of the euphoria has evaporated and some of the reassurances given have unravelled. As my hon. Friend said, we have woken up to find that not only are we at least a century away from meeting the millennium development goals, but a lot of the commitments made at the G8 summit are not quite what we thought they were. They certainly fall a long way short of where a lot of people think the development agenda should be. The impression was given that campaigners had forced world leaders to push the boulder to the top of the slope, and that because, following the world summit, poverty had been made history, it was just a question of pushing it down the slope.

I do not put aid at the top of the agenda for international development. I have always considered trade the most important element in making poverty history in developing countries in a sustainable way. The headline target for aid to developing countries during the last 30 years has been 0.7 per cent. of gross domestic product. Until this year, there was a commitment globally to contribute 0.3 per cent. in aid to developing countries by 2006, but we have not even reached that yet. The promises made this year—the year of Africa, following the Commission for Africa and the G8 summit—will push that global figure from 0.3 per cent. in 2006 to 0.36 per cent. by 2010. Although several countries' contributions may be increasing faster than others', the outcome of the process—of the euphoria, the efforts and the commitments made—is an increase of 0.06 of a percentage point over a four-year period. That is a realistic measure of the impact of that process.

On the basis that Africa generally receives about half of the aid that is budgeted for, the result of the efforts of the G8 summit in relation to aid can be summed up by saying that Africa will receive an increase in aid of 0.03 of a percentage point by 2010. Putting the matter in those terms, rather than quoting large figures in billions of pounds or dollars that are given over a particular period of time, puts it into context and helps to bring home to people that a great deal more work needs to be done than was apparent from the impression given in the press conferences following the G8 summit.

Many people followed the debate on the Global Fund to Fight AIDS, Tuberculosis and Malaria that took place in early September in London, which I am sure was very ably chaired. The result of that debate was that we fell well short of the replenishment targets. A figure of $3.5 billion was agreed on for the global fund, rather than the $7 billion target that was the aim.

Mr. William Cash (Stone) (Con): I am sorry to have arrived late, but I am fascinated by the hon. Gentleman's remarks. Does he remember that right at the end of the G8 summit, the focus was very much on governance? After the bombings in London that day, the issue seemed to disappear off the agenda. However, the last question at the last press conference was from a journalist who asked, "What are you going to do about the governance question?" Will the hon. Gentleman be

good enough to elaborate a little on his thoughts on that subject? It is an area that seems to have been overshadowed.

Andrew George: The hon. Gentleman raises a reasonable point. There is a cross-party consensus that one cannot overlook the serious questions relating to governance. One can throw aid, debt relief and favourable trade arrangements at some countries, but the poor in those countries will not necessarily see any benefit unless the poor governance and corruption is sorted out.

I will move on to the claims made by the international community about governance and aid and the impact of some of the conditions attached by international organisations such as the IMF when aid budgets are delivered. I visited Kenya in early September, where attempts at delivering AIDS, HIV, tuberculosis and malaria programmes are severely constrained by the lack of trained nurses on the ground. There is clearly a capacity issue. However, in the agreement between the IMF and the Kenyan Government, a cap is clearly set on the appointment of civil servants by the Kenyan Government. Civil servants include health workers, teachers and others. When I asked health and government officials about appointing more nurses—there are trained nurses in the country who are unemployed—they explained that the problem was not capacity or potential; nor did they believe that there was a limitation in the longer term in terms of the aid that they could potentially draw down. The difficulty was that they were simply unable to appoint the number of nurses that they felt were required to deliver the programmes. We must be careful that, when offering assistance, we do not place artificial limits on countries' ability to deliver aid programmes.

I certainly do not deny the importance of ensuring that, at every stage of a programme, careful consideration is given to whether it is more effective to deliver the aid by bypassing the Government and using aid agencies—because of known corruption and the lack of capacity in the Government to manage those programmes—or whether it is better to go through the Government. That is a matter of judgment. I doubt whether the situation is helped by the cutting of desk officers at the Department and the withdrawal of commissions from Africa. Perhaps the Minister will comment on that.

The promotion and protection of an open, independent media across Africa—an element that, despite efforts to include it, was omitted from the Commission for Africa report—could make a significant contribution to governance. If anything can ensure that, after parliamentary delegations have come and gone, there is a sustained campaign to hold Governments to account, it is a strong, effective, independent, robust and open media. The media do not necessarily have to be based in the states that need the changes the most, provided that they have the capacity to communicate across those countries. We should address that a great deal more.

The Minister might want to reflect on the opportunities offered by the trade talks to be held in Hong Kong in December. If we are going to make significant progress on making poverty history and meeting the millennium development goals in Africa, my party believes that one of the greatest opportunities will be provided by ensuring that there is an adequate trading relationship between the west and African countries. We should not insist on the economic partnership agreements pushed by the European Union, but instead ensure that we have more tailor-made approaches that allow for more pro-poor and pro-development trading arrangements. I think that the Government are sympathetic to that view. We need to make sure that such options are protected in the trade talks in December.

We also need to ensure that we can communicate with the millions of people who attended Live 8 concerts and Make Poverty History marches—I joined the one in Edinburgh. There needs to be more transparency in the trading relationships between multinational companies and developing countries in Africa, so that when people walk into their supermarket or sports shop, they can be reassured by the chief executive of those companies that their purchases do not contribute to the denigration of the very people whose poverty they have just been marching in order to make history. There are great challenges ahead, and a large number of questions have been raised. I look forward to hearing what the Minister has to say in response.

11.52 am

Mark Simmonds (Boston and Skegness) (Con): I add my congratulations to those of other Members to the hon. Member for Perth and North Perthshire (Pete Wishart) on securing this important debate at this vital time. He spoke with great passion and knowledge of the subject. However, I must confess that I do not agree with everything he said, and I certainly do not subscribe to his view that the main moral driving force behind aid budgets is some sort of reparation for colonial wrongs. There is a much more up-to-date moral force behind them.

I also congratulate the hon. Member for Hove (Ms Barlow) on making an interesting speech. Her analysis of the pros and cons of the NGO movement deserves further consideration, and I hope that she will continue to contribute to debates on this important issue.

The hon. Member for Leeds, North-West (Greg Mulholland) delivered an extremely informative and knowledgeable speech, particularly on the millennium development goals and the clear failure of the international community to have even a vague semblance of a chance of meeting them by 2015, as was programmed. Indeed, it is apparent that in 70 countries to date, the millennium development goal targets for 2005 are not going to be met.

I am keen to put on the record that my party shares the aspirations of the Government as set out at the G8 meeting. We want the commitments made in Gleneagles to be implemented. We support the Government's target of 0.7 per cent. of GDP being spent on aid by 2013. We agree with the millennium development goals. We also support the Government in the HIPC initiative, as that has the potential to relieve the burden of debt on many African nations, as well as on countries elsewhere in the world, and not just on those 18 that have currently met the criteria. We also recognise that fundamental reform of the global trade

[Mark Simmonds]

rules is essential if Africa is to trade itself out of poverty, and we agree in principle with the initial international finance facility, with its specific focus on immunisation.

However, it is worth reminding the House of what was actually agreed at Gleneagles, as the hon. Member for Perth and North Perthshire did. In addition to the doubling of aid and the aspirations for trade and debt, the G8 countries pledged to provide extra resources for conflict resolution; to enhance support for democracy and effective governance, as was highlighted by my hon. Friend the Member for Stone (Mr. Cash); to stimulate growth and build trade capacity, and not only in the context of the WTO; and to boost investment in education and health, particularly in relation to HIV/AIDS, malaria and tuberculosis. We must not lose sight of those other important issues as we focus on aid, debt and trade.

No previous summit has promised so much for the world's poor, and it is vital that the momentum be maintained. The Conservatives agree with the aspirations expressed, but it must be remembered that the key to success is in delivery. This debate gives us the opportunity to ensure that the countries of the G8 and the wider world fulfil their commitments to Africa. That is essential if we are to see a change in the continent's fortunes. The starting point is to ensure that the agenda agreed at Gleneagles is continued under the next G8 presidency. Can the Minister assure the House of Russia's commitment when it takes over the presidency to continue with the goals for Africa that were set out at Gleneagles?

Alongside the Government, we are committed to working towards the UN target of spending 0.7 per cent. of our national income on aid. It is essential, however, that that aid be used to its maximum potential. There is some evidence to suggest that UK bilateral aid has the potential to be more effective than much of the multilateral aid that is provided. Currently, a quarter of DFID's aid budget is allocated through the EU, which is widely recognised as one of the least effective channels: only 52 per cent. of the aid that goes through the EU goes to low-income countries.

Although we are aware of the additional aid announced at G8, we believe that quality of aid is just as important as quantity. The time scale over which that money is delivered and allocated is vital. If all the extra aid pledged were delivered now, it could lift 300 million people out of poverty in the next five years. However, as the hon. Member for Leeds, North-West rightly pointed out, the time scale for the delivery of that additional aid is slipping, and much of the money will not be received until the end of the decade. Will the Minster provide a clarification of the time scale for providing the aid money pledged at Gleneagles? Will he also outline the channels through which the extra aid will be spent and how much of it is proposed to be channelled through direct budgetary support?

The last Conservative Government led the world in providing debt relief for developing countries and I am pleased that the current Labour Government are continuing that course. Before the HIPC initiative, heavily indebted poor countries were spending more on debt servicing than on health and education combined. Eighteen countries have benefited from the HIPC initiative so far, and up to 38 could receive debt relief in future. However, that debt relief applies only to debt owed to the World Bank, the African Development Bank and the International Monetary Fund. What progress is being made to make sure that the countries that would benefit from debt relief get 100 per cent. relief, regardless of to whom the debt is owed? Furthermore, will the Minister clarify whether debt relief will be taken from existing overseas development aid budgets, despite previous commitments to cease double counting?

Debt relief is vital if African Governments are to have more money to spend on health care, education and infrastructure. However, the G8 debt deal will provide less than $1 billion extra this year for those vital facilities. Furthermore, questions have been raised about whether some African Governments are using this money for those vital services. Will the Minister assure the House that sufficient transparency and accountability mechanisms are in place to ensure that the money from debt relief is used specifically to alleviate poverty? Will the Minister also confirm that money from debt relief will be used in tandem to pursue meeting the millennium development goals?

Mr. Cash: Does my hon. Friend agree that for those of us who feel passionately about the African problem and the alleviation of poverty, the question of how much aid is given has to be paralleled by the extent to which there is a proper audit of how it is spent and where it goes? Is he aware of my International Development (Anti-corruption Audit) Bill, which would have requirements for external audits when there was any uncertainty within the mechanisms of the public accounts committees of the countries concerned about where money was going and whether it was being properly deployed? It does not matter how much money is provided if it is going to the wrong place and not being properly audited. I know that the Under-Secretary is interested in such matters and I should be grateful to know through my hon. Friend whether he is willing to make his views known.

Mark Simmonds: I am grateful for that intervention. I am aware of my hon. Friend's Bill. It is extremely interesting and deserves further consideration. It is fair to say that there is worry not only among Opposition Members, but at DFID, about the budgetary support mechanism. Furthermore, there is concern at DFID offices in Africa that the structures are not in place to ensure the degree of transparency and accountability needed to assure us that British taxpayers' money is being spent properly and effectively.

Andrew George: The hon. Gentleman is making an important point about accountability and transparency. Does he agree that we do not want to put in place in those countries complex systems that make it impossible for them to start running the aid programmes? When I was in Kenya, I saw that several aid programmes could not proceed because of the inability to appoint accountants to administer the required accounting arrangements. However, simple bookkeeping followed up by robust auditing would have been adequate at least to start the aid programmes.

Mark Simmonds: The hon. Gentleman makes a fair and reasonable point. A balance must be struck between ensuring that British taxpayers' money is spent wisely and properly for the purposes for which it was intended and trying to encourage African Governments in particular to be responsible and accountable to their people. The balance between those two often contradictory facets is exactly what DFID needs to focus on in the coming period.

The G8 communiqué made a commitment to provide rapid and flexible multilateral and bilateral debt relief for post-conflict countries. Will the Minister explain exactly what that means, to which countries it applies and how it fits in with the HIPC initiative? Is it linked or is it separate? I welcome the progress of the G8 countries on debt relief, which promised $48 billion per year by 2010. However, according to Oxfam's figures, approximately $30 billion of that sum will be spent on debt relief specifically for Iraq, a point made by the hon. Member for Perth and North Perthshire. Can the Minister confirm whether such a large proportion of the money pledged is, in fact, for Iraq? Are Oxfam's figures accurate?

If the Government are serious about implementing the G8 agenda for Africa, trade reform is fundamental. While aid and debt relief are essential, economic development, wealth creation and pan-African, as well as international, trade offer the best hope for long-term sustainable solutions to poverty and suffering in Africa. History is littered with protectionist folly. Further protectionism is not the answer, as is evidenced by foreign inward investment, export-driven economic growth in China and elsewhere in south-east Asia where, in the past 20 years, 500 million people have been lifted out of poverty.

Conservative Members believe in removing export subsidies and import tariffs. We are committed to a timetable for the dismantling of all trade-distorting agricultural policies by 2013. We recognise that the current policies of the United States and the European Union are damaging and immoral, and that they cause widespread suffering, particularly—although not exclusively—in Africa, as farmers cannot obtain a fair price for their crops. It is widely acknowledged that African cotton farmers are competing with the US Treasury, not US farmers, and that the EU spends billions of euros subsidising farmers. We welcome President Bush's recent pledge to cut farm subsidies by 60 per cent. over five years and to reduce import tariffs by between 65 and 90 per cent. Unfortunately, the G8 leaders failed to set a conclusive end date for those harmful export subsidies. Will the Minister make a statement today on what progress is made, especially within the European Union, as only this morning the international press published reports of intransigence in some European Union countries, which are insistent that extensive agricultural subsidies be retained? What progress does the Government realistically believe can be achieved at the WTO meeting in Hong Kong in December?

If Africa is to lift itself out of poverty, it is crucial that economic partnership arrangements are reassessed, the rules of origin are redrafted and tariff escalations by the developed world are minimised. International trading agreements are immensely complex, but it is essential that we have an international framework. If the WTO meeting fails, there is a danger that the whole international framework could start to unravel. Current trade restrictions are the biggest impediment to economic development and poverty reduction in the developing world.

There is no doubt that increased aid, reduced debt, and freer and fairer trade were the most high-profile parts of the G8 communiqué. However, the countries made further commitments which also must be implemented if African countries are to graduate from aid dependency to being fully functioning democracies with successful economies.

It is accepted that the millennium development goals will not be reached. In May, the Minister admitted in this Chamber that at the current rate of progress, the goal of free primary education for all will not be achieved until 2130—115 years late. I do not blame him personally for that target being missed—

Mr. Thomas: Thanks very much.

Mark Simmonds: The UN estimates that an extra $6 billion is needed to meet the target of free universal primary education alone. The world has already failed to meet the sole millennium development goal for 2005. Despite that, the G8 did not pledge any extra money to help the world to reach the targets. There needs to be a significant attempt to ensure additional aid, debt relief and increasing trade are used to make greater progress towards meeting the millennium development goals. During the G8 meeting, the nations made a commitment

"to provide extra resources for Africa's peacekeeping forces so that they can better . . . resolve conflicts in Africa".

Efforts such as these are crucial if Africans are to become safer. On a recent visit to Gulu in northern Uganda, I witnessed the night-commuters—20,000 children walking up to 17 km each way from their homes to sleep in the town of Gulu, so they are not abducted by the Lord's Resistance Army. The G8 countries promised to train 75,000 troops by 2010, to prevent such atrocities. Perhaps the Minister will tell us what progress is being made on that important front.

The Government will find Her Majesty's Opposition supportive of the G8 aspirations, but robust in ensuring delivery and holding the Government to account. We hope that they deliver on the promises that they and the other G8 members made at Gleneagles. There is still much work to be done, particularly in Hong Kong in December, if the G8 agenda is to be delivered and implemented.

12.7 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): I congratulate the hon. Member for Perth and North Perthshire (Pete Wishart) on securing the debate and on giving us the opportunity to explore the G8 commitments and the progress that we have made so far.

Like other hon. Members, I saw the extraordinary outpouring of support for development expressed through the Live 8 concerts, the march that took place in Edinburgh, which my right hon. Friends the Secretary of State for International Development and the Chancellor attended, and the Make Poverty History

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campaign. That helped to put development at the centre stage of 2005 in a way that we have not seen in this country since the Birmingham G8 summit, when the Jubilee 2000 campaign was very active. We are seeing progress, albeit considerable progress remains to be made.

The hon. Member for Leeds, North-West (Greg Mulholland) rightly reminded us about the scale of the challenge and how off track we are with many of the millennium development goals. More than 300 million people in Africa live on less than $1 a day, up from 227 million in 1990. Lack of employment opportunities and the devastating impact of HIV/AIDS are the causes of that rise in poverty. Those figures alone are a powerful reminder of the need to continue to focus on development and not to allow the momentum that has begun to be rebuilt in 2005 to fade away.

The Government remain determined to use the various opportunities available to us from 2006 onwards to ensure that the momentum of 2005 is not lost. We must remember that it was the Government's decision to put Africa at the heart of our G8 and EU presidencies that provided a focal point for the development of that momentum and the attention that it rightly received this year. Our commitment has also been demonstrated through hard cash. For the first time, we as a country have a target date to achieve the UN objective of spending 0.7 per cent. of our national income on development assistance. We spend nearly £1.25 billion of our development budget on Africa, and money for development and assistance has trebled. The fact that the Secretary of State for International Development has a seat in the Cabinet for the first time is a sign of the Government's continuing commitment to the development agenda.

I do not accept the point made by the hon. Member for Perth and North Perthshire that momentum has somehow fizzled out since the G8 summit. The media may have moved on to other issues, but I have not felt any less busy since then or that the agenda is any less important, and neither have my colleagues in the Government. I refer the hon. Gentleman to the important UN millennium review summit, which provided an opportunity to capture the commitment of G8 leaders and the international community to the development agenda and to achieving the millennium development goals.

There is support for a peace-building commission and an international humanitarian fund—two visible signs of the continuing momentum. We hosted the Global Fund to Fight AIDS, Tuberculosis and Malaria replenishment conference, at which further resources for the fund were generated. That is an encouraging sign of continuing progress and momentum—although more resources are needed—as is the fact that the European Union is, under the auspices of our presidency, debating its relationship with Africa and how we can continue to support Africa, not only with hard cash, but on issues of governance and economic development.

I also disagree with the lament of the hon. Member for Leeds, North-West that no trade deal was done at the G8 summit. It was never going to be done at the G8 summit, because that is what the December World Trade Organisation talks are for. There was considerable debate among the G8 leaders on trade, especially about export subsidies. The hon. Gentleman will, I am sure, welcome being reminded that in our manifesto for the last general election, Labour made a commitment to push for the elimination of export subsidies by 2010; we continue to make that case. In addition to the WTO talks, and to keep the momentum going, there is the fast-track initiative conference in China in early December, which will provide another opportunity to galvanise international support and further resources for the provision of free primary education. Although, the media, sadly, moves on to other things, the momentum is anything but lost. I hope that there will be other opportunities for the media to return to these issues.

Andrew George: I have no wish to diminish the progress made this year, of which the Minister has just reminded us. He pointed out that the Secretary of State for International Development has a seat in the Cabinet, but is the sense of priority and proportion right? We give tens of millions of pounds to help those displaced by the conflict in Darfur—indeed, we may have given as much as £100 million over the past few years—but compare that to the £5 billion spent on the military operation in Iraq over the past three years, and the $10 billion internationally that goes into the humanitarian reconstruction in Iraq? Is the Minister satisfied that our commitment is proportionate?

Mr. Thomas: The Prime Minister's commitment to the development agenda is spot on. He has made it clear that he wants us to use the EU presidency to make a continued effort to secure the outcome that I expect we all want to see: a development round and progress in Hong Kong that helps to give the poorest countries of the world genuinely fair access to the world's trading markets.

The hon. Member for Boston and Skegness (Mark Simmonds) alluded to the fact that there is considerable debate in the European Union about how we achieve an outcome that is in the interests of developing countries and the rest of the world. Part of the reason for the Prime Minister's commitment to the EU presidency is that at the end of it, we must represent the EU at those trade talks. Several hon. Members have said that we need development and debt relief; however, we must have fairer trading rules if we want long-term, sustainable routes out of poverty.

Mr. Cash: I pay personal tribute to the Prime Minister and to the Secretary of State for International Development for focusing, as the Minister said, on that fundamental question, but I return to the issue that I raised when I spoke at the Jubilee 2000 campaign meeting in Birmingham and on other occasions with my good friend Bob Geldof: whether we can turn the issues into practical applications along the lines of the Bill that I proposed, and of which the Minister is aware. Without external audit, I am afraid that putting money into the system will not get it to where it needs to go, because of the corruption throughout some of those countries. Will the Minister be kind enough to concentrate for one moment on that question about governance? Will he support my proposals or not?

Mr. Thomas: The hon. Gentleman will learn about the Government's response to his Bill later this week. I do not accept his premise that governance in Africa is uniformly bad and that corruption is endemic in every country. There are issues about governance, however, and at the heart of the Commission for Africa is the notion of partnership: developed countries have a responsibility to provide more aid; equally, developing countries, particularly in Africa, have a responsibility to ensure that the money is used well to reduce poverty.

Linked to the point made by the hon. Gentleman, I also do not agree with the tone—if I may say so—of the review of Africa by the hon. Member for Perth and North Perthshire. The sense that Africa continues to be a basket case and continues not to make progress came across in his remarks. I accept his point that the international community needs to provide support in the cases of Niger and the southern African food crisis, and he knows about the considerable amount of money that we have put in.

We are seeing substantial progress throughout Africa already—not least the exciting sight in Burundi of a Government having taken a decision to abolish user fees, and hundreds and thousands of new children turning up to school wanting to learn, now that the barrier of being charged for education has been taken away. The international community has begun to provide support to increase the number of classrooms to train more teachers. In sub-Saharan Africa, women's parliamentary representation—this relates to governance—has doubled since 2000, which shows that further progress has been made. An extra 1 million children have been enrolled in schools in Kenya since the Government there took the decision in 2000 to abolish school fees. There is progress throughout Africa, and we must celebrate it, while recognising that considerably more must be done.

The hon. Member for Perth and North Perthshire asked me several specific questions about debt. Some 18 countries have qualified for the debt deal, and its implementation will begin in 2006. The deal is for 100 per cent. relief of the multilateral debt. Up to 38 countries could qualify, and that brings the potential total benefit to those countries to $55 billion. There is no new aid conditionality attached to the relief. Countries are simply required to reach the completion point under the HIPC initiative, which requires assurances that the money that is saved by no longer paying debt servicing is spent on poverty reduction. Additional resources will be provided to the World Bank and the African Development Bank to compensate them for the debt relief funds that will be needed.

The hon. Gentleman asked about conditionality more generally. As I said in my intervention on him, the Government have made it clear since March that our aid is not conditional on particular policies being followed by Governments. They must decide for themselves whether they want to privatise or use co-operative models or NGOs. It is for them to make the decision. However, we attach several safeguards in respect of how the aid money will be used. We expect the countries to have robust financial systems—that links to the point that the hon. Member for Stone (Mr. Cash) made about the need to have confidence that money is well spent. By way of slight deviation, the spending of money is already audited and monitored in many ways.

The second safeguard is that the money must genuinely be used to tackle poverty. It must be invested in improving health or education, or on other priorities of the country. Thirdly, there must be respect for human rights in those countries.

Pete Wishart: I am sorry that the Minister characterised my summing up of the state of Africa in such a way. I was in the Democratic Republic of Congo this past summer and saw real progress towards securing democracy in that country. I recognise some of the great achievements that have been made on that continent.

I would like the Minister to address my point about IDA funding and resources for some of the HIPC initiative countries. Will there be an impact on the IDA funding for all the countries whose debt will be cancelled? If so, can he confirm that the amount that has been pledged for debt relief will be seriously diminished?

Mr. Thomas: IDA funding is a concessional arm of the World Bank. We are waiting for figures from the World Bank on the total cost of the debt relief package. We have a responsibility to make up the shortfall—we pledged to do that—and it will be one of the things for which we will be held to account.

The hon. Gentleman asked about conditionality employed by the World Bank. He may be familiar with the fact that, at our request, the World Bank reviewed its conditionality and agreed to a set of good practice principles on country ownership and allowing a developing country to make its own decisions. That is a good step forward. We will have to see how those guidelines work in practice, but we welcome the World Bank's move in that direction. I hope that the hon. Gentleman also welcomes it.

The concern of the hon. Member for Stone about good governance and corruption and the need to continue to address such issues was picked up by the hon. Member for Boston and Skegness. As I indicated, Africa is already making good progress on good governance and corruption, albeit there are one or two high-profile exceptions to that trend. By the end of 2005, Kenya, Mauritius, Ghana and Rwanda will have completed the Africa peer review mechanism, which is an opportunity for African countries to review how their peers are making progress on the issues. By the end of 2006, Uganda, Nigeria, Algeria, Mali, Mozambique, Lesotho, Sierra Leone and South Africa will also have been reviewed by their peers—12 countries in all. We shall continue to work with national Governments to enhance transparency in the management of public resources and accountability in those countries. Domestically, we are hoping that by the end of the year Parliament will have ratified the UN convention on anti-corruption. Obviously, it is crucial that we play our part in further efforts to tackle corruption.

Let me come to the point that the hon. Member for Perth and North Perthshire made about the opportunity to hold G8 leaders to account, and his interesting idea of a centre for G8 monitoring in Perthshire. The Africa Partnership Forum should, in our view, be the key body for monitoring the commitments of the G8, as it brings together key leaders from Africa and key players from the UK and elsewhere. Earlier this month, we hosted the

[Mr. Thomas]

fifth meeting of that forum. It was agreed that we should focus on G8 monitoring through a joint action plan. I hope that that will help to lay the foundations for an effective monitoring process. However, we welcome the hon. Gentleman's suggestion. As he will be aware, it is one of a number of proposals to bring in a wider audience to monitor implementation of G8 commitments. A series of civil society groups wants to get involved in that process. He may be familiar with the Archbishop of Cape Town's proposal for an African monitor arrangement, and might want to discuss with the Archbishop how their proposals sit together. The last thing that we need is duplication of monitoring arrangements.

Mr. Cash: The Minister knows that the centre of gravity of my thoughts is whether the audit will be

"carried out by or under the supervision of suitably qualified persons authorised by relevant international financial institutions",

not excluding internal or external audit. That is the key issue. Does he agree that if internal audit does not work properly, external audit will become necessary?

Mr. Thomas: The debate on monitoring that the hon. Gentleman has kicked off is not unhelpful, but he needs to recognise that there is already considerable external audit, carried out, for example, by the National Audit Office. The International Development Committee monitors carefully how my Department spends its money.

My hon. Friend the Member for Hove (Ms Barlow) was absolutely right to highlight co-ordination. In March, the development assistance committee of the Organisation for Economic Co-operation and Development convened a meeting of all major donors to seek improvements in how donors operate within a country, so that duplication and the number of monitoring missions that donors inevitably institute in developing countries are reduced. For example, we know that there are huge numbers of monitoring missions on HIV and AIDS in developing countries. They inevitably use up valuable civil service and ministerial time and often ask very similar questions. If the international community can be persuaded to work together more effectively, we should be able to release time for civil servants and Ministers in developing countries, to get on with the business of improving health, tackling HIV/AIDS, improving education, and so on. At the same time, however, we should make sure that the right questions are asked about how the money is being used.

My hon. Friend is right to draw attention to how non-governmental organisations operate on the ground, both in relation to the tsunami and with regard to long-term development. A number of NGOs work extremely effectively and in a very responsible way—one thinks of the Disasters Emergency Committee. It was clear from the tsunami and from long-term development work that some NGOs are not so responsible and could improve the way in which they operate.

I congratulate the hon. Member for Perth and North Perthshire on convening this first formal opportunity for the House to consider progress since the G8, but I gently remind him that we are not at the end of 2005. We have always regarded the G8 summit as a key point on a journey to increase momentum towards the millennium development goals. We will not solve all of Africa's problems this year, but I hope and believe that we will make progress. We continue to be optimistic that we will secure a good deal for developing countries in the WTO talks. As he and others rightly say, we need to translate the commitment to more aid and debt relief into practical progress on the ground, through such things as universal access to antiretroviral drugs. We have continued to see progress, but we know that there is more to do. We look forward to playing a continued part in that process.

Oil Transfers (Firth of Forth)

12.30 pm

Anne Moffat (East Lothian) (Lab): East Lothian has one of the finest coastlines in the United Kingdom and attracts 2.5 million visitors every year, with all the obvious advantages for local communities, including the employment of approximately 3,500 people in the tourist industry. The coastline stretches for 69 km from Cockburnspath north to Musselburgh; its beauty is valued by local and visitor alike.

The East Lothian coastline is of outstanding natural heritage; 90 per cent. of it is classified as being of biological, ornithological and geological interest, forming part of the Forth special protection area. The coastline also has nine designated bathing waters, from Seton Sands down to Thornton loch. There are designated shellfish harvesting areas around the Forth estuary, including the coastline from Dunbar to north Berwick. Anyone travelling on the east coast main line will see its breathtaking beauty at first hand. Over the summer recess, I was extremely busy in surgeries and correspondence with constituents determined to protect the beautiful coastline on their doorstep.

The issue that has caused consternation and alarm among local communities in East Lothian is the proposal to transfer oil from ship to ship in the firth of Forth. Melbourne Marine Services, a Sunderland-based company, wants to transfer 7.8 million tonnes of crude oil from Russia off the coastline of East Lothian, with no benefit whatever for the area and its communities.

Michael Connarty (Linlithgow and East Falkirk) (Lab): My hon. Friend may know that there is a transfer facility at Hounds Point on the River Forth, which lies in my constituency. During the tenure of Tam Dalyell, the former Member of Parliament for the area, there were a number of spillages because the equipment was insufficient. I support my hon. Friend: there should not be another terminal in the firth of Forth given that, at last, the one at Hounds Point is working correctly.

Anne Moffat: I thank my hon. Friend for that intervention, which I hope the Minister heard. It is an example of the point I want to illustrate; I want to move on to those who are totally against the proposals.

Three local authorities have voiced very strong doubts. Fife county council deputy leader Alex Thompson has suggested that ship-to-ship transfer represents the biggest single threat to Fife in the history of the council. That is how seriously Fife council takes the matter.

Mr. John MacDougall (Glenrothes) (Lab): I congratulate my hon. Friend on securing the debate, which will be very helpful to my constituents in central Fife, who are clearly affected by the proposals. I am sure that she is aware that the council unanimously opposed the proposals, and a unanimous decision in any form of politics these days is unique. We must take careful consideration of that, and I hope that the Minister takes cognisance of it.

Following this debate, I have a meeting on this very subject with my hon. Friend the Minister of State, Department for Transport, and concerned people from my constituency. A number of issues have not been made clear. Does my hon. Friend the Member for East Lothian (Anne Moffat) accept that investment along the River Forth, which, as she rightly points out, affects many constituencies, has been tremendous? The benefits of the investment in jobs and the tourist industry have been tremendous, and there is no indication of the benefits to our constituents of the proposals. There are health and safety issues that have yet to be clarified. Those issues must be considered seriously before a definite commitment is made to go ahead with any proposals.

Anne Moffat: I am glad that that intervention was made, too. It is great that Fife council and East Lothian council can come together with the appropriate MPs and MSPs—that is also happening in the case of Edinburgh.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): To complete the picture of the constituencies and the authorities along the Forth, I should say that, as my hon. Friend knows, Edinburgh city council has expressed its objections to the proposal. Considerable concern has also been expressed by local community organisations, including Newhaven community council and Leith harbour community council in particular. Does my hon. Friend agree that what is significant about the proposal is that concern about it has been expressed not just by the local authorities and experts but by communities and individuals in her constituency and right along the tidal stretch of the Forth, on both sides of the firth?

Anne Moffat: Of course, I agree. That was another helpful intervention. It is great that we are all singing from the same hymn sheet. I hope that the Minister takes on board how strongly we, collectively, feel about this issue. I am glad that Edinburgh city council is firmly against the proposal and is on board. My local authority has said that there is nothing to gain from ship-to-ship oil transfer and that all that we would gain is

"the inherent risk of a huge crude oil spill."

At the outset, East Lothian council, to its credit, decided to oppose the proposal. I congratulate the chief executive, the provost, the deputy leader, the leader and all the councillors on their stance on this issue. Since then, others have followed suit, including Scottish Natural Heritage and the Scottish Environment Protection Agency. More importantly—this is crucial—the people of East Lothian, in their thousands, have opposed the proposal. They are up in arms about it and are writing to the press and to me. My mailbag is full. It is one issue that everyone feels strongly about.

All the organisations and individuals have clearly identified the economic, as well as the environmental, threat that would exist if the scheme went ahead in the firth of Forth. In recent years, millions of pounds of public money has delivered major improvements to the coastline and beaches of East Lothian. That investment should never be put at risk.

Hon. Members may ask whether there is a genuine risk from the proposal for the ship-to-ship transfer of oil. The answer is yes. The transfer of 7.8 million tonnes of crude oil, involving hundreds of ships, is an accident

[Anne Moffat]

waiting to happen. The hazards include oil spills, vessel collision, fire and explosion, environmental emissions, damage to coastal and sea-bed habitats, financial implications, damage to tourism and damage to fishing. I am sure that most of us remember the 1993 Braer disaster off Shetland and the devastation that the oil spill caused. We need to stop this proposal in its tracks. When there were ship-to-ship heavy oil transfers in Lyme bay in Dorset in 2003–04, Devon and Cornwall councils got together to oppose that and the transfers were stopped. I do not want them to start. As recently as March 2004, the Swedish company Brostrom Tankers AB was fined £20,000 and ordered to pay costs of £11,000 after oil leaked into the firth of Forth.

I have had many conversations about where I was born and brought up and the constituency that I represent. I was born in Fife and I represent East Lothian, so I have seen the firth of Forth from both sides and it is a sight to behold. I have written to the Secretary of State for Transport to ask him to listen to opponents of the proposal. Edinburgh has been mentioned. We are also talking about East Lothian council, Fife council, East Lothian civic organisations and most importantly, as I said earlier—I cannot emphasise this enough—the East Lothian people. None of them wants the coastline to be put at risk as a result of ships transferring 3,000 tonnes of crude oil every hour. That is a real danger, and my constituents with my help will oppose the proposal. I hope that the Minister has listened carefully to what has been said and that he will agree to meet a small delegation from the affected areas around the firth of Forth with a view to resolving this environmental and political hot potato as soon as possible.

12.39 pm

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): I congratulate my hon. Friend the Member for East Lothian (Anne Moffat) on securing this debate. I listened carefully to what she and other hon. Friends said about the issue and the concerns that they expressed. Members of Parliament will be meeting the Minister of State, Department for Transport, my hon. Friend the Member for South Thanet (Dr. Ladyman), this afternoon. I heard what my hon. Friend the Member for East Lothian said a few moments ago about meeting a delegation of residents and other organisations from the area. We will give that consideration and write to her as soon as possible.

Ship-to-ship transfer is an internationally recognised practice, which takes place worldwide. Voluntary industry guidelines were issued under the aegis of the International Chamber of Shipping and the Oil Companies International Marine Forum and set out the procedures to be followed when carrying out ship-to-ship transfers. A new and updated edition of those guidelines was issued earlier this year.

Ship-to-ship transfer operations have been undertaken globally for many years and have a very good safety record. In UK waters particularly, ship-to-ship transfer operations have an excellent record on both safety and the environment. Ship-to-ship transfer operations at Scapa Flow in Orkney, Sullom Voe in Shetland and the Nigg oil terminal in the Cromarty firth have not given rise to any spills that caused damage to the environment. It is worth noting that Scapa Flow recently saw the 25th anniversary of such operations.

Ship-to-ship transfer operations can provide substantial economic benefit to the locality in which they are carried out, the most prominent example in the UK being Scapa Flow. Consequently, the UK would certainly not wish to undermine the practice of ship-to-ship transfers. Instead, our concern is to ensure that such operations are regulated and managed appropriately so that they are carried out safely and with minimum risk to the environment.

The ship-to-ship transfers that we now see are predominantly transfers of persistent oils. There must be adequate safeguards in place, otherwise any spill may result in environmental damage. We must ensure that ship-to-ship transfers take place only when there is a fully worked-up oil spill contingency plan with trained personnel and the necessary equipment for responding to a spill close at hand. That means managing the practice of ship-to-ship transfers so that they take place only in areas where the harbour authorities have suitable oil spill contingency plans.

Turning to the proposal to carry out ship-to-ship transfers of oil in the firth of Forth, I can tell the Chamber that at an early stage my Department's Maritime and Coastguard Agency determined that the Forth Ports current approved oil spill contingency plan does not address the specific risks associated with ship-to-ship transfers of persistent oil in the Forth Ports harbour authority area. The agency determined that a revision of the contingency plan was necessary to take those risks into account and to incorporate the necessary safeguards.

The legislation governing that process is the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998. It is a normal requirement for ports throughout the UK to have an oil spill contingency plan, and detailed oversight of those plans is a matter for the agency as expressed in the regulations.

It is the function of the oil spill contingency plan to address the risk of an oil spill, resulting damage to the environment and harm to human health from the full range of activities carried out in the port. Consequently, for ship-to-ship transfers to be carried out within a harbour authority area, the authority must first have an approved oil spill contingency plan which addresses the specific risk presented by such activities.

Guidance issued by the agency—Contingency Planning for Marine Pollution Preparedness and Response: Guidelines for Ports—required that the Forth Ports proposed revision of its oil spill contingency plan be put out to consultation before being formally submitted to the agency for the Government's approval. The list of consultees included the local authorities for the area concerned, the Scottish Executive's Environment and Rural Affairs Department, the Scottish Environment Protection Agency and Scottish Natural Heritage.

I am aware of the important seminar that Fife council hosted on 10 June to discuss ship-to-ship transfers, with particular reference to whether such activities should

take place in the firth of Forth. I also want to mention the stakeholder meeting that the agency hosted in Grangemouth on 25 July for the purposes of mediation in which East Lothian council, Fife council, Forth Ports, Melbourne Marine Services, the Scottish Executive, the Scottish Environment Protection Agency and Scottish Natural Heritage all participated.

The current position is that Forth Ports has submitted its revised oil pollution contingency plan to the Government and a decision will be taken in the near future. Part of that decision-making consideration relates to the Conservation (Natural Habitats, &c.) Regulations 1994, commonly known as the habitats regulations, and whether the revision of the Forth Ports oil spill contingency plan is a plan for the purposes of regulation 48(1) of the habitats regulations. If it is, it is mandatory for the competent authority, in this case the Maritime and Coastguard Agency, before deciding to undertake or give consent, permission or other authorisation to the plan, to make an appropriate assessment relating to the implications of the plan for certain categories of designated nature conservation sites that are listed under regulation 10 and which are thereafter referred to as European sites. Such sites exist in the firth of Forth and that consideration is therefore relevant.

We have sought views and assistance from other parts of the Government. That has inevitably taken some time, but it has proved to be beneficial. Our consideration will be aided further by the outcome of a case that is currently before the European Court of Justice and which, although it does not relate directly to shipping matters and oil pollution contingency plans, does relate to the interpretation of the plan for the purposes of regulation 48(1). I understand that the European Court of Justice is expected to present its judgment on Thursday 20 October.

It would be prudent to wait until we have had sight of the judgment before deciding whether regulation 48(1) of the habitats regulations applies in the matter. When we have had sight of the judgment, it should be possible to make progress swiftly. Whether or not the habitats regulations apply, Scottish Natural Heritage and other interested parties will continue to be consulted as the decision-making process continues, either under the MCA's contingency planning guidelines or the statutory procedures that are set out in the habitats regulations.

In the last analysis, it is for the Government to make a decision about the revised Forth Ports oil spill contingency plan. The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 define tightly the considerations that the Government may take into account when making their decision. The Government must consider whether the Forth Ports revised plan is compatible with the United Kingdom's national contingency plan for marine pollution and shipping and offshore installations. They must also consider whether the plan is appropriate for dealing with oil pollution incidents in the area for which the harbour authority is responsible.

In strict terms, there is no provision in law for the Government to reject an oil pollution emergency plan that is submitted to them. They must either approve the plan or, if the plan is not compatible with the national contingency plan or is not appropriate for dealing with pollution incidents that might occur, they may direct the plan to be altered. It is the duty of the harbour authority to alter the plan if directed to do so. Failure to comply with that direction is a criminal offence. Failure to implement an oil pollution emergency plan is also an offence on the part of the harbour authority or the operator. I assure my hon. Friend the Member for East Lothian and other hon. Friends that the Government are wholly committed to making the right decision in accordance with the law. I have listened carefully to what has been said in the debate and I shall write to my hon. Friend about her request for a further meeting.

12.48 pm

Sitting suspended.

Mental Health Services (Cambridge)

1 pm

David Howarth (Cambridge) (LD): I am grateful for the opportunity to bring to the attention of the House and the Government what is happening to funding for mental health services in Cambridge. The situation is grave: cuts of 14 per cent. are proposed. Patients, their relatives and friends and others in the wider community are extremely distressed. The cuts threaten the whole of the service—acute hospital treatment, rehabilitation, day centres, the young people's service and even the treatment of those with dementia.

As Lord Layard recently said, mental illness is the equal of poverty as a source of misery in our society. Half the people on incapacity benefit are suffering from mental illnesses. Of the 5 per cent. of the population who are the least happy with their lives, 41 per cent. are mentally ill. More than one in six adults in this country suffer from a recognised mental illness of some kind. About one in 10 suffer from depression, some 4 per cent. from more serious personality disorders, and about 0.5 per cent. from the most serious illnesses—psychotic disorders.

Mental illness can be literally a matter of life and death. Between 70 and 90 per cent. of those who commit suicide are suffering mental illnesses. Major depressive illness massively increases the risk of suicide. However, as Richard Layard also points out, mental illness is avoidable. Drug treatments and various forms of therapy are becoming more and more effective. The time when mental illness was thought to be incurable has long gone, but there is still vast unmet need. Only about a quarter of those suffering from neurotic conditions—depression and anxiety—receive treatment and only 16 per cent. access community care services. It is even the case that 15 per cent. of people suffering from psychotic illness receive no treatment.

That is why what is happening to mental health services in Cambridge is so serious. Cambridge City and South Cambridgeshire primary care trusts are in deep financial trouble. They face a deficit of about £40 million. They have so far proposed £17 million of reductions. Of those cuts, £9 million will be in hospital services, £3 million in prescribing, £1 million in primary care and £4 million in mental health. That £4 million represents a 14 per cent. cut, of which £3 million is to be cut from the £23 million that Cambridgeshire mental health trust spends and the other £1 million from the voluntary sector and other mental health trusts.

An important point is that £2 million of the cuts have to be found before the end of the current financial year. That is an almost impossible task. The PCTs are consulting on how to achieve the savings. The main proposal is to close two long-term rehabilitation wards. Some of the patients would be transferred to another long-term rehabilitation ward, but that in turn would close in 2007. The PCTs expect those patients to be cared for in the community, and some investment is being made to try to make that approach work, as it can in the right conditions. However, my discussions with staff and experts in the field lead me to believe that about a third of the patients will certainly not be able to function in the community. Another third of them will have great difficulty in doing so and might well need readmission.

The PCTs also propose to close 22 acute beds and a whole ward for older people. They hope that a reconfigured community outreach service will reduce demand for acute beds, but there is no way of knowing that such a reduction will occur. In some places where assertive outreach has been implemented, the demand for in-patient beds has risen, because previously undiscovered unmet demand has been revealed. In any case, Cambridge already has a precursor of the crisis-resolution home treatment service in the shape of the weekend service, and the PCTs propose to close even that.

The strain on community services will be increased by the PCTs' other proposals. One is to close a day centre in Cambridge. Another is to reduce the coverage of the young persons service so that it no longer helps 20 to 25-year-olds, even though, as I was told when I visited the service, 20 to 25-year-olds can often be more vulnerable than young people who are still at home. Finally, in a move that will appal Members who have been campaigning on the issue, the PCTs say that from January they will cease to fund a specialist service for patients with dementia. They are assuming that the National Institute for Health and Clinical Excellence will confirm its initial opinions about drugs that slow the onset of Alzheimer's disease, and the PCTs propose to cease to fund such drugs as soon as NICE confirms its view.

It is difficult to describe the pain and distress that these cuts will cause. All the professionals in the area will do their utmost to try to prevent adverse effects, but cuts of such magnitude must have a deleterious effect on all the services, not to mention the additional strains that will be placed on other local services and on neighbourhoods.

Tim Farron (Westmorland and Lonsdale) (LD): Is my hon. Friend aware of the British Medical Association's recent report that shows that of 530 health trusts in England, 385 were in deficit, and that those deficits amounted to £2.4 billion? In my constituency, the PCT is forced to propose cuts that involve the closure of two of the mental health wards at the Westmorland general hospital in Kendal: ward 2, which is for elderly mental health patients, and ward 4 for adult patients with mental health difficulties. That will mean that those people and their families will have to travel to Lancaster and Barrow-in-Furness to get treatment, which will further distress them and will undermine mental health services.

Perhaps my hon. Friend would care to reflect that if two thirds of the health trusts in England are in deficit, they cannot all be guilty of management incompetence, and that the Government should take responsibility for the crisis.

David Howarth: My hon. Friend makes the important point that what is going on is not just confined to one part of the country; it seems to be a more general problem.

Doctors already face the dilemma of whether they can start a new patient on a course of treatment that might lose funding before it ends. The stigma that still wrongly attaches to mental illness makes it difficult for those who need help now, or those who have been helped in the

past, to campaign in the way that sufferers from other illnesses can. That means that it is more incumbent on Members of the House and others to take mental illness seriously.

Why is this happening? My hon. Friend alluded to that question. Cambridge City PCT points out that the funding regime has consistently worked against areas that are experiencing population growth. The funding formula has lagged behind reality, delivering resources to areas that have lost population rather than to areas that have gained population, as it should have done. I understand that, from next year, there will at least be a boost for areas such as Cambridge that form part of the Office of the Deputy Prime Minister's optimistically named sustainable communities growth areas. That is welcome, but it does not deal with the legacy of years of underfunding that has led to an historic deficit being shifted from year to year.

The PCT also points out that its finances are very badly affected by the presence of Addenbrooke's hospital, which is a large foundation hospital. Under the new funding arrangements in the NHS, foundation hospitals are, in effect, handed PCT chequebooks. They are entitled to be paid at fixed and non-negotiable rates whenever patients for whom the PCT is responsible cross the hospital's threshold and undergo treatment. The PCT, which previously negotiated a lower charge for the treatment, will now pay more for the same number of treatments. That system is the basis of the idea of patient choice, which will soon be implemented throughout the NHS. If our experience in Cambridge is anything to go by, patient choice will lead to a funding crisis in every service in the NHS, apart from in hospitals. Primary care, prescribing budgets, public health and mental health will have to bear the brunt of the new system.

More directly relevant to the crisis in mental health funding in Cambridge, however, is the way in which central Government calculate mental health need. The relative share of mental health in overall funding has fallen, and the Government's index of mental health need discriminates unfairly against Cambridge. It looks as if the index follows what is known about the subject; research shows that mental health problems are associated with low levels of education, low income and low housing tenure. The mental health index does indeed include measures of education, income and housing, but examination of the detail reveals serious problems and distortions.

The research shows that poor mental health is associated with being a tenant as opposed to being an owner-occupier. Some researchers speculate that the real driving factor is wealth, rather than housing, but the housing measure used by the mental health index is about the condition of housing rather than tenure. It is the wrong measure for mental health purposes.

The research also shows that housing tenure is a more powerful factor than education. A study on suicide rates across Europe, which was published in *The British Journal of Psychiatry* earlier this year, points out that in most countries, a well educated tenant has a higher risk of suicide than a less well educated home owner. The current mental health needs index, however, makes education a more important factor than housing.

The situation is similar in relation to income levels. The measures of income used in the index are based on benefit take-up in the late 1990s. That is not the same as income now. An obvious example that affects Cambridge is the overwhelming majority of students who are on low, even negative, incomes, but who will count as rich people in the mental health index because they are disqualified from claiming benefits. Moreover, some factors, such as lack of social support, which research suggests are important for predicting mental illness, do not appear in the index. Areas in which the population is transient will usually have lower levels of mutual social support—a factor that should be in the index. At the same time, the index uses some factors, such as the serious illness ratio and the comparative mortality ratio, which do not figure strongly in the academic research as risk factors for mental illness.

A final point that affects Cambridge in particular is that the index counts proximity to a mental health hospital as a factor that reduces the cost of delivering the service, whereas experience in Cambridge is that the existence of a well regarded local facility tends to produce migration to the area of people who need that facility. The cost of providing care might be lower if there is a facility nearby, but there are also far more people who need that care.

I plead with the Minister to take action to prevent the cuts in mental health services that Cambridge faces. The PCTs' funding is inadequate, and the mental health needs index is inaccurate and unfair. The time scale for the cuts is utterly unreasonable. There is still time to prevent the suffering that those policies will cause.

1.14 pm

The Parliamentary Under-Secretary of State for Health (Caroline Flint): I congratulate the hon. Member for Cambridge (David Howarth) on securing this debate on the funding of mental health services. I understand that his predecessor, Anne Campbell, a former colleague of mine, is to become chair of Cambridge's mental health trust.

I very much appreciate the interest that the hon. Gentleman takes in mental health because mental health is not often mentioned when we ask the public to name their priorities for NHS spending. That is why the Government took a different approach to mental health services when we were elected in 1997. Mental health was identified as a key clinical priority in "Saving Lives: Our Healthier Nation", published in 1998. The first ever national service framework was produced for mental health in 1999; and in 2000 the NHS plan set a comprehensive range of targets for the modernisation of mental health services. That is very important in relation to today's debate.

As a constituency MP, I know that for many years generations have tried to hide those with mental health problems behind institutional walls and away from the public gaze. In the last decade or so, however, there has been a change of view, partly resulting from the fact that the range of issues associated with mental health is vast. The issues cover all age groups, and some are more prevalent in certain groups—among men or women, among various ethnic groups and so on. We therefore need to take a flexible approach.

We want a system that allows residential provision and hospital treatment when necessary. However, in many circumstances, crisis episodes that have resulted in

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people being placed in hospital or seeking hospital services could have been resolved if we had had more outreach services in the community. We have considered how to modernise the service, seeing mental problems not only as a health issue but as an education issue and even a local authority issue. Just as important, it is a matter of social inclusion. For instance, further education colleges and other community facilities should be available for all; just because someone has a mental illness should not mean that, if appropriate, they cannot gain access to those services, like everyone else in the community.

We have had to consider how to improve access to effective treatment and care, reduce unfair variation, raise standards and provide better and more convenient services more quickly. The report of Louis Appleby, the national director for mental health, on the implementation of the national service framework for mental health illustrates the progress that has been made since the publication of the framework in 1999. The report shows increasing investment, which has resulted in improvements in the provision of mental health services, particularly those in community settings.

At the end of March 2005, there were 343 crisis resolution teams, against our target of 335. I know that the development of more crisis resolution teams is a priority in Cambridge. That will prevent people having to be placed in hospital; if it can be done, it is better to resolve problems in the community, for the individuals and their families. It is also better for the various agencies that may have a part to play. There were also 109 early intervention teams, more than double our target of 50; there were 1,520 community gateway staff, three times our target of 500; and 262 outreach teams—again, significantly more than our target of 220 in England.

Although some targets are yet to be achieved, it is clear that services have made real progress in improving the provision of services, particularly in the community. I was looking at how the PCTs, the partnership trusts and Cambridgeshire county council have dealt with some of the issues on housing. For example, they have opened an innovative supported living scheme with eight one-bedroomed flats in Cambridge city for older people with functional mental health problems; they have worked with the district council to gain planning permission for a 14-place supported living scheme in south Cambridgeshire for people with mental health problems; and they have developed a mental health accommodation forum, linking with mental health housing providers and many other partners to tackle one of the problematic areas for those who seek treatment. People living rough on the streets find it difficult to get effective treatment. Some of those matters are important and are part and parcel of having effective services for those who need them.

Funding is allocated to primary care trusts on the basis of the relative needs of their populations. It is always difficult to come up with the right formula that fits many different situations. However, a weighted capitation formula is used to determine each PCT's target share of available resources, to enable similar levels of health services for populations in similar need to be commissioned.

Over the current three-year period, the total allocated to PCTs will increase by £12.7 billion or 30.8 per cent. Cambridge City PCT's allocation will grow by 29.1 per cent.—£27.8 million—to £123.4 million for 2005–06. Those are pretty substantial increases for PCTs to decide how to allocate. It does not stop there: this particular PCT will receive allocations of £148 million in 2006–07 and £160 million in 2007–08. That represents a cash increase of 17 per cent. over the next two years. That is a significant level of investment and it should deliver real benefits and results.

It is for PCTs, in partnership with strategic health authorities and other local stakeholders, to determine how best to use their funds to meet national and local priorities for improving health, tackling health inequalities and modernising services. We are often accused of being a centralising Government, but we recognise that we cannot micro-manage the health service from the centre. We can ensure that we have given increased resources—which we have—and that we offer advice and support on best practice, drawing the attention of local communities and PCTs to good practice elsewhere. Where possible, they should take all of that to develop local services that are fit for purpose. We are now pursuing a way to strengthen patient involvement in the development of services and working to avoid unnecessary admissions to hospital by improving community health services. Members would understand why, as Public Health Minister, I approve of that policy direction.

I understand that the trust is currently developing crisis intervention and home treatment services, assertive outreach services and more appropriate long-term accommodation for those who need it. That will mean that the trust will be able to reduce the need for adult in-patient beds. I am also assured that continuing hospital care will be available where it is most appropriate. Clinicians will be working with all affected patients and families to ensure that the most appropriate care packages are in place to meet their needs.

The development of new sheltered accommodation in Huntingdon and Peterborough will lead to a reduction in the need for rehabilitation beds in Cambridge. Patients will be able to be housed in accommodation nearer to their homes. The trust has also been developing other services within the community, including support services, services to carers and an increase in psychological therapy services through the employment of primary care graduate workers.

NHS bodies must live within their means, and sometimes that will lead to NHS organisations being faced with difficult decisions. As I said, it is right that decisions about the local configuration of services should be taken locally, where the health needs of the local population are best understood and local representatives and the public can make their voices heard.

The trust is currently forecasting a deficit of about £2 million, out of a total budget in excess of £83 million, for the current financial year, if nothing is done to address the issue. I understand that the mental health trust has been engaged in a financial recovery plan since July 2005; the PCT has been implementing a recovery plan for 18 months. The major part of the trust's current financial pressure comes from the deficit inherited from

its predecessor organisations. That is being addressed through its financial recovery plan, and the trust's November board meeting will consider whether any further measures are required.

The financial situation that the local PCTs are dealing with is clearly putting pressure on services. I should reiterate that we are increasing funding to the NHS to record levels, and we believe that it is distributed fairly.

There are 15 proposals being consulted on and I am aware that the consultation process was launched on 10 October. I am sure that the hon. Gentleman will take an active role in that both as an individual MP and by galvanising his constituents and groups to participate. Of course, it would not be appropriate for me to say too much about the actual proposals, but I have had a look through the consultation document to see the range of different ways in which service provision is being considered. I hope that the hon. Gentleman will at least agree that there is much food for thought in the proposals both for in the hospital and out of it and which specialist day services are necessary, as opposed to, for example, making sure that the other mainstream providers of education, leisure and so on are open and accessible to those with mental health problems and issues.

The consultation document published by Cambridge City and South Cambridgeshire PCTs outlines a range of proposals for the future of mental health services in Cambridge. The proposals are in line with the PCTs' and the trust's shared vision to continue to modernise services in accordance with national guidance, including the national service frameworks. The proposals have been developed through a mental health project board, which includes representatives of the local PCTs and the trust. It is not, dare I say, just administrators applying their thoughts to the scheme, but it involves the people who work with those for whom mental health is part of their lives, and listens to what they have to say.

I am reassured that the consultation is and will continue to be handled in an open and inclusive way. A number of public meetings have been arranged to enable proper discussion of the proposals with stakeholders and local people. The local health community has recognised that the development of new services, in line with the national service framework for mental health, will mean that some traditional services could be—should be—reduced or closed. That debate has to be held locally. The experience is in keeping with that of other mental health services across the country. Although I understand local concerns about mental health services, and what people have got used to, we need to develop an efficient, affordable and effective modern service for the future. I am reassured that the proposed changes are being properly consulted on, and I hope that the hon. Gentleman will appreciate that the decisions following the outcome of the consultation must be made locally. It is not just about cuts in spending, but about making sure that we have services that are fit to purpose. More than ever before, there should be wider link up with local authorities and others who can play a role in determining those services in the future.

In conclusion, the consultation is under way. I hope that as many people as possible will take part. It is important that people's views are fed into the consultation; it is also important that they have the opportunity to have matters explained, as in such situations people often do not understand why things are happening. That is important for public understanding. I have seen in Cambridge and the surrounding area that the PCTs are very responsive to the needs of mental health service users and to the services provided. That said, there is also an understanding that in certain areas there has to be more community development, and the consultation gives a chance for all involved to have their say and to help to construct and be the architects of a better service in the future.

Banking Industry

1.30 pm

Mr. Tom Harris (Glasgow, South) (Lab): I am grateful to have secured this debate, as it provides me with the opportunity to address an important issue: the regulation of consumer credit business. The issue was recently brought to my attention by my constituents, Robert and Irene Masterton, who sought my help in rectifying an ongoing problem with HBOS, formerly the Bank of Scotland. It is a complicated case and you will be relieved to know, Sir John, that I do not have time to go into every single detail, although I will try to highlight the main points.

In 1991, Mr. Masterton secured a £30,000 overdraft facility from the Bank of Scotland to help fund his new business venture as sole Scottish agent for Ginetta and Scimitar cars. The bank sought a bond and floating charge and guarantee over the business. Unfortunately, in 1993, following Black Wednesday, Ginetta and Scimitar went into receivership, which made Mr. Masterton's company redundant, so to speak. In different circumstances, the solution would have been for Mr. Masterton's company to go into receivership. However, at this stage he was made aware that the impact of the personal guarantees attached to the bonding and floating charge would have meant bankruptcy for him and for his wife, a company director, in the event of the company failing. Shortly after that, his overdraft was increased to £35,000.

In January 1994, Mr. Masterton met his bank manager to request a five-year term loan to pay off the outstanding overdraft. His request was turned down, as the bank claimed that he had no security to offer. Obviously, Mr. Masterton was disappointed by that response, as three years earlier, in 1991, the bank, knowing that he had put all his assets into the business, had accepted that he was good for the money. However, that seemingly was not the case in 1994.

In 1996, a new manager took over Mr. and Mrs. Masterton's account. Mr. Masterton approached the new manager and again requested a term loan, which would allow him to pay off both capital and interest. Again, his request was refused, trapping Mr. Masterton into paying back interest only on the sum outstanding. It would be difficult to overstate the distress that the situation caused my constituents. Their lives have been utterly blighted by the stress resulting from those circumstances.

In 1999, Mr. Masterton went to see his bank manager in desperation, and virtually begged him for a term loan to pay off the borrowings and release him and his wife from the pressure placed on them. A 10-year loan was agreed, but a fixed interest rate was refused. Instead, the loan arrangement was so structured that Mr. Masterton would have to pay for any subsequent rises in interest rates. However, it was hardly a fair deal as he would not benefit from any drop in interest rates.

In 2003, it became clear that the level of debt was escalating, despite the fact that the couple had paid off in excess of £70,000 in interest, penalties and charges. Even then, the original debt of £35,000 was undiminished. Following a meeting at the bank between Mr. Masterton and the then customer services manager and regional director, the bank conceded that as the rate on the term loan could not fall, the terms initially agreed were harsh. The bank removed that clause and refunded Mr. Masterton £1000 in interest. The bank also confirmed that it would not look to Mrs. Masterton for settlement of borrowings.

In February 2003, the Mastertons decided to move their mortgage away from HBOS following receipt of a letter warning them of a probable shortfall on their endowment policy. When the settlement paperwork was sent to their solicitor, they discovered that the bank had decided to combine the outstanding balance of the term loan with the outstanding balance on the mortgage. That was news to them. They were aghast, as their home had not been put up as security against the borrowings. Additionally, the bank was going back on its assurance that it would not pursue Mrs. Masterton for any part of the loan settlement. The bank eventually backed off, but made no apology.

In March that year, Mr. Masterton wrote to Colin Matthew, divisional chief executive of banking at the Bank of Scotland, to express his concern that their case had not been properly considered. A brief reply was received, stating that no further action could be taken on their complaint, as in his view they had "no legal redress". They were told that they should write to the Financial Ombudsman Service, which they did in August that year. In September 2004, they received the ombudsman's final decision. The FOS felt that there was no evidence to move against the bank, but stated that it had no supervisory or regulatory function and did not set the rules regarding how banks profits were attained.

I stress that HBOS has not broken the law, or even bent it—I suggest that it is far too clever and experienced for that. The question is: has it behaved fairly? To summarise, an initial bond and floating charge and personal guarantee for £30,000 will result in Mr. Masterton having to pay back a minimum of £150,000, and perhaps as much as £170,000. There are five years left to run on this debt. By the end of that period alone, Mr. Masterton will have paid off £37,000 more than the original debt.

In June, after Mr. and Mrs. Masterton visited me at my advice surgery, I wrote to James Crosby, chief executive of the Bank of Scotland, to ask him for his comments on the actions of the bank in this case, and specifically whether he felt that it is ethical to expect one's customers to have to pay back more than £150,000 on an original loan of £30,000. I shall read Mr. Crosby's letter of reply in full. He states:

"Thank you for your letter dated 13th June."

If the letter had ended at that point, it would have been just as informative. However, Mr. Crosby continued:

"The issues raised by your constituent were the subject of a complaint first made by him to the Bank in July 2002. As we were unable to resolve matters to his satisfaction a final response was sent to he and his wife"—

Mr Crosby's grammar, not mine—

"referring them to the Financial Ombudsman Service.

The Bank was contacted by FOS in August 2003 when they had been asked by Mr Masterton to consider the complaint.

FOS issued an assessment on 29th March 2004 which did not uphold the complaint brought by Mr Masterton. He did not agree with the findings of their assessment and asked for a review of the complaint to be carried out by an Ombudsman. The final decision by the Ombudsman was issued on 1st September 2004 and again did not uphold his complaint. A copy of the assessment and final review is enclosed for your information.

In the circumstances the Bank has no further comment to make."

Mr Crosby was careful and did not even attempt to answer my question about whether it is ethical for a customer to pay back at least £150,000 on an original loan of £30,000. No comment was made about the impact of the bank's actions on the lives of Mr. and Mrs. Masterton.

Such breathtaking arrogance by HBOS is truly discouraging, particularly from one of the UK's biggest companies. In an age of corporate social responsibility should we not expect more from companies such as HBOS? I fully acknowledge that their primary purpose is to make money and to keep their shareholders happy; however, they also have a responsibility to respect their customers and to treat them fairly.

Although we expect moneylenders to act responsibly and fairly, we have little ability legally to compel them to do so. That problem is caused not only by the rogue lenders we hear so much about, but, as Mr. and Mrs. Masterton's case highlights, by high street banks. Such behaviour might be expected of some of the more disreputable firms, but I was genuinely shocked to learn of HBOS's behaviour. The bank may wish to consider what sort of reputation it wants to nurture among the wider business community and the general public.

Such problems occur primarily because consumer credit law, which dates back to 1974, is outdated and unable effectively to protect consumers from unfair lending practices. It is important to note that Mr. and Mrs. Masterton are not alone. Last year, Citizen's Advice Scotland handled cases of debt totalling £130 million, and citizens advice bureaux in England and Wales handled more than 1.1 million debt cases. They have seen an increase of 74 per cent. in the number of consumer credit debt problems that they have dealt with in the past seven years.

Citizen's Advice highlights the case of a Warwickshire man who took out a £7,000 secured loan in 1990 to pay for a new kitchen at an interest rate of 33 per cent., which would take him 18 years to repay. Although he missed a few payments, he was able to catch up with them. When he contacted the loan company in September 2004 about re-mortgaging, he was astounded to learn that with four years left on the loan, the amount he owed was still £62,000. That was the first time he had been made aware of the default interest charges accruing on the loan as a result of the missed payments.

However, for the Mastertons and others in similar situations there is hope that things may soon radically improve. Following the publication of the Government's White Paper, "Fair, Clear and Competitive: The Consumer Credit Market in the 21st Century"—a snappy title—the Government introduced the Consumer Credit Bill in the last Parliament. Unfortunately, the Bill fell due to a lack of parliamentary time when the general election was called; however, it was re-introduced in this Parliament. It has progressed through the Commons and is awaiting Second Reading in the other place.

The Bill will reform the Consumer Credit Act 1974, and it will specifically enhance consumer rights and redress by replacing the extortionate credit test with a wider "unfair credit relationship" test. It will also introduce an alternative dispute resolution scheme, which will be run by the Financial Ombudsman Service. It aims to strengthen the credit licensing system and to equip the Office of Fair Trading with new powers to take action against rogue lenders. Finally, it will extend regulation to all consumer credit and hire transactions, with a few limited exceptions.

The changes are vital, and have been welcomed by a consortium of key charities and consumer groups, including the National Consumer Council, *Which?*, the Money Advice Association, and Centrepoint. In the context of Mr. and Mrs. Masterton's case, I particularly welcome the introduction of a new unfairness test, which will have a retrospective effect and will extend protection to all consumer credit by abolishing the financial limit that caps protection at loans of £25,000. These developments have the potential to affect Mr. and Mrs. Masterton's lives positively and to bring to a close a hugely stressful and costly affair. For that to happen, however, the Government need to ensure that the Bill is enacted and implemented as quickly as possible.

People have suffered enough. Any further delays to the implementation of the Bill will continue the unnecessary suffering of many honest and hard-working families. Consumer credit businesses, including HBOS, have had long enough to set their house in order. If they are not willing to operate fairly and responsibly, it is the duty of Government to force them to do so. I hope that HBOS will re-evaluate its treatment of Mr. and Mrs. Masterton.

Surely it is self-evident that banks have a moral duty to their customers as well as a financial obligation to their shareholders. It is simply not good enough for banks to seek to operate within the letter of the law when that law currently allows them to impose extortionate terms on their customers. They have had more than their pound of flesh from Robert and Irene Masterton. It is time to say that enough is enough.

1.41 pm

The Financial Secretary to the Treasury (John Healey): I congratulate my hon. Friend the Member for Glasgow, South (Mr. Harris) on securing the debate, and on a powerful and passionate, if understated, exposition of the experience of his constituents, Mr. and Mrs. Masterton. He rightly pulls no punches on their behalf.

All MPs deal with constituents' cases in which we share their sense of injustice and their frustration that the system has somehow failed them. We also have cases in which we share the sense that they do not want anyone else to go through the experience through which they have been. That was clear from the way in which my hon. Friend put his case this afternoon. Rather than simply highlighting what he believes to be flaws in the system, given the experience of Mr. and Mrs. Masterton, he also pointed out the further changes in consumer protection planned by the Government, especially in the Consumer Credit Bill. He knows the Bill well, because he was Parliamentary Private Secretary to the former Secretary of State responsible for that piece of legislation in the previous Parliament.

I should also add that I share my hon. Friend's sympathy for the financial and emotional pressures that the Masterton family have been under, particularly given the special circumstances that have added to their

[John Healey]

difficulties. I personally assure him that the official record of this debate will be brought to the attention of the HBOS chief executive, James Crosby. My hon. Friend the Economic Secretary to the Treasury is due to meet Mr. Crosby next month, and I shall also ensure that I speak to the Economic Secretary before that meeting.

I should point out to my hon. Friend the Member for Glasgow, South, however, that HBOS is regulated by the Financial Services Authority and subject to the banking code, and that it is not for the Financial Ombudsman Service to play the role of regulator. The service has been set up, as he would recognise, to do a rather different job. The Mastertons' complaint has been through the bank's internal procedures and has been considered by the adjudicator as part of the Financial Ombudsman Service process. It has also been considered by the ombudsman, and that happens in a relatively small number of cases; last year, the ombudsman took a look at about one in 14 of the 110,000 or so cases referred to the FOS. So the case has been thoroughly considered, but not, as my hon. Friend recognises, upheld.

My hon. Friend touched on our recent provisions and the more general question of the Government's approach to regulating financial services. That approach is premised principally on the conviction that consumers should be able to secure a fair deal. Since 1997, the Government have made reforms on that principle and the new provisions posed to Parliament through the Consumer Credit Bill are based on it. The setting up of the Financial Services Authority was an important stage in that process and in the creation of a single Financial Ombudsman Service and the compensation scheme. Those reforms—radical in their nature and resisted by some at the time—have clarified the landscape for the consumer. They have certainly made it much easier for consumers to negotiate what can be complicated decisions about complex products, and consumers know that if something goes wrong, they have a right to seek to have the matter put right.

The Financial Ombudsman Service replaced eight separate schemes that previously covered financial services disputes. Those schemes differed in a number of substantive ways. Some were compulsory and set up under statute by the regulators and others were voluntary and set up by the industry. There were significant differences in the eligibility criteria, the limits on awards, the availability of compensation for distress and inconvenience, the time limits, the terms of reference, the basis for awards, the procedures, the funding and the governance arrangements. Some described that system as a patchwork quilt and argued that it was confusing for consumers—that was a huge understatement. The one-stop shop that the Financial Ombudsman Service now provides for consumers with disputes about financial services is independent and informal, and, as an alternative to the courts, it is a huge step forward.

In each case, the ombudsman considers what would be fair and reasonable by taking account of all the circumstances of a case. Just as an asymmetry of information between provider and consumer is the main rationale for regulation, an asymmetry of resources is a major reason for having an ombudsman and the Financial Ombudsman Service. First, the system is simpler for the consumer. Secondly, the banks and other financial institutions carry the costs of the cases and investigations. Thirdly, the procedure is binding on the banks but not the consumer. The consumer can, if they choose, take their case to the courts.

Having said that, I should stress something that my hon. Friend would recognise: the Financial Ombudsman Service is not a consumer champion. Its role is more that of an arbiter; its task is to find what is fair and reasonable and take into account any advice issued by the regulator and the likely decision a court would make. In some instances—my hon. Friend might argue that the case of Mr. and Mrs. Masterton is one—the ombudsman might, by following the clear principles laid down by law, make decisions that some consumers and commentators feel from their perspective is neither fair nor reasonable. If consumers are dissatisfied with the process, they remain free to take their cases to the courts at any time.

The Financial Ombudsman Service plays a valuable role in providing consumers with a swift and effective means of resolving any disputes that they have with FSA-authorised persons and providers. The alternative of going through the courts is more complex, more costly and more drawn-out, to the extent that many consumers may be discouraged and not pursue the redress that should be their right.

At the start of the debate, my hon. Friend dwelt on the new Consumer Credit Bill. That extends the scope of the Financial Ombudsman Service and its alternative dispute resolution to consumer credit complaints that are not at present within the FOS's mandate. It also makes a number of other important changes. Before the general election, the Consumer Credit Bill had passed all its Commons stages and was awaiting the scrutiny of the House of Lords. That is where the new Bill is now, and I can confirm that it is due for its Second Reading in the House of Lords next week. We hope that it will complete all its stages by the spring, and that implementation will follow in consultation with the industry, principally through regulations. I hope, as do my colleagues in the Department of Trade and Industry, that that will happen without undue delay.

My hon. Friend rightly argues that changes arising from the Bill might in future help to deal with circumstances such as those that Mr. and Mrs. Masterton faced. The alternative dispute resolution procedure that the Bill extends will be wider in scope, but will remain free for consumers. All consumers will have access to redress, not just those who can afford to pay for it, and the system will be run, as at present, by the Financial Ombudsman Service.

The FOS provides the alternative dispute resolution service for financial services disputes and for some consumer credit disputes with consumer credit licensees. The Bill widens the FOS's mandate, so that over time all standard consumer credit licensees will be subject to alternative dispute resolution. All individual consumers will have access to consumer credit ADR. In addition, sole traders, partnerships of three or fewer partners and unincorporated associations will be eligible, but larger businesses and companies will not.

My hon. Friend rightly said that the Consumer Credit Bill updates the Consumer Credit Act 1974, which is outdated and unable to protect consumers effectively. He was also right, given the experience of his constituents, to home in on the proposals and provisions for the unfair relationships test. That will replace an out-of-date and extortionate credit test. The old test set the bar of what is extortionate far too high to be of much use to consumers—it was confined to the cost of credit, or the terms of the agreement at the time when it was made. As a consequence, examples of consumers successfully pursuing cases under the extortionate credit test are relatively rare. The new test will be based on the principle of unfairness. Consumers will be entitled to apply to court to challenge agreements where there is an unfair credit relationship. In future, therefore, courts will be able to consider all aspects of the transaction, including the lender's conduct before and after making the agreement, the administration of the loan and the overall terms and conditions of the agreement. The new unfair relationships test ensures that the courts will have wide discretion to assist those who face unfairness from lenders.

Importantly, the new unfair relationships provisions will apply to all consumer credit agreements, including those that are not otherwise regulated under the Act, except for exempt land mortgages, which are regulated by the FSA. The scope of the extortionate credit test is therefore retained. So, for example, the new test will apply to business lending, including that over £25,000, which would otherwise be exempt from regulation.

The rationale for that wide scope is that lenders should not enter into unfair credit relationships in any circumstances. That is precisely the principle that I mentioned earlier. My hon. Friend may want to ensure that Mr. and Mrs. Masterton are aware that it will be possible for the provisions to be used for lending agreements that are already in place when the Bill comes into force, although there will be a transitional period to allow businesses time to adjust. As long as the loan relationship has not been completed when the measure comes into force, the new provisions will cover lending of that kind.

Another important aspect of the Consumer Credit Bill, which my hon. Friend did not mention, but which I know he is aware of, is the principle of transparency—the principle that keeping consumers informed is an essential part of being a responsible lender. Secondary legislation has already required lenders clearly to provide at the outset key information on the product, and has made early-settlement charges fairer and more transparent to consumers. Building on that, the Consumer Credit Bill will ensure that lenders give consumers regular information about the state of their credit account, including whether they are in arrears, whether they have incurred default sums, and whether they are incurring interest on judgment debts.

I know that my hon. Friend, like me, would argue that protection for people who have disputes or complaints about their lenders has been significantly strengthened since the 1990s. He, like me, also believes that there is still more to do to ensure that consumers have rights of redress when credit providers' actions are not fair and reasonable. He has eloquently made that case today. He made a cogent case for ensuring that implementation of the relevant provisions of the Consumer Credit Bill is not subject to undue delay. Like me, and like our hon. Friend the Minister for Employment Relations, Consumers and Fair Markets, he will not want any delay in the implementation of the new protections. We do not want undue delay in establishing the final part of the consumer protection that is so important to people such as the constituents whose case my hon. Friend has raised so powerfully today.

Question put and agreed to.

Adjourned accordingly at two minutes to Two o'clock.

Westminster Hall

Wednesday 19 October 2005

[MR. DAVID AMESS *in the Chair*]

Spina Bifida and Folic Acid

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Coaker.*]

9.30 am

Mr. Stewart Jackson (Peterborough) (Con): I am delighted to have the opportunity to debate such a vital issue. I shall endeavour to keep my remarks reasonably brief, and without having recourse to a welter of scientific data.

At the outset, I pay tribute to the Association for Spina Bifida and Hydrocephalus, the national charity that is located in my constituency, to its staff and volunteers, and to the thousands of families who have coped with that terrible disability over the years with love, compassion and fortitude.

The Government have the opportunity to prevent thousands of pregnancy terminations and severe disability for hundreds of children and young people, and so improve the nation's health, by fortifying flour with folic acid. Since the landmark Medical Research Council international study of 1991, the efficacy of fortifying foods with folic acid to prevent the most common neural tube defect, spina bifida, has been proven beyond doubt. Lost opportunities since then fly in the face of the UK's strong tradition in preventive medicine and public health. In short, the condition is as preventable as polio was—and is.

Spina bifida is a neural tube defect and one of the UK's most common congenital malformations, leading to paralysis and incontinence. A major secondary complication is hydrocephalus—excess fluid on the brain that can lead to brain damage if untreated. It occurs early in pregnancy, at about four weeks, when the spine and the brain are being formed. One or more of the bones fail to develop properly, leaving the spinal cord exposed and the cord and nerves damaged to a variable extent.

Although the incidence of neural tube defects has been reduced over the past 30 years from 3.8 per 1,000 births to approximately 1.8 per 1,000, due mainly to better antenatal screening, about 1,400 pregnancies still occur each year in the UK which result in about 1,200 elective terminations and 200 live births. Sadly, our rate of neural tube defects ranks among the highest in the world.

I turn first to the detailed evidence in favour of fortifying with folic acid enriched products such as flour and bread. Folic acid is the synthetic form of folate, a water-soluble vitamin in the B-complex group, which occurs in a variety of foods such as green vegetables, beans, pulses and grains, yeast and beef extracts.

Following the 1991 Medical Research Council vitamin study, which found that more than 70 per cent. of neural tube defects were preventable, the Department of Health's expert committee recommended in 1992 that women planning pregnancy should increase their intake of folic acid by eating foods high in folate, by taking a 4 mg folic acid supplement daily, and by eating foods fortified with folic acid, such as certain types of bread and breakfast cereal. Academic studies have also shown that if the supplement intake were increased to 5 mg a day, up to 85 per cent. of neural tube defects could be prevented.

The most recent evidence for that can be found in the *British Medical Journal* of 12 March 2005. The Health Education Authority launched a campaign promoting the benefits of folic acid in 1996, and it remains of the same view today. In January 2000, the Committee on Medical Aspects of Food and Nutrition Policy published a report under the auspices of the working group on folic acid, in which it recommended mandatory universal flour fortification at 240 micrograms per 100 g flour in the UK. That would have

"a significant effect in preventing neural tube defect-affected conceptions and births without resulting in unacceptably high intakes in any group of the population".

The then Minister for Public Health, the hon. Member for Pontefract and Castleford (Yvette Cooper), welcomed the report's findings and promised a wide-ranging public consultation on its conclusions. The results of that consultation showed that 59 per cent. of those consulted who expressed an opinion supported the fortification of wheat flour with folic acid, with 30 per cent. against it and 11 per cent. expressing reservations.

In 2005, in the American journal *Pediatrics*, a mammoth study of 11 million births and 4,468 cases of spina bifida showed that the incidence of neural tube defects in infants fell by up to a third in some ethnic groups following the increased enrichment of grain products with folic acid throughout the 1990s.

In 2002, against that background of strong empirical evidence, the Food Standards Agency decided, perversely, not to recommend the mandatory fortification of flour with folic acid, and that approach was confirmed by the Department of Health in June 2004. That is despite the experience in countries such as Canada, Chile, South Africa and, of course, the United States, where recommendations regarding the need for folic acid in early pregnancy are integral to a policy of promoting the widespread fortification of flour. The entire population receives at least a small additional amount of folic acid, with evidence showing that such a population-wide approach is effective in reducing the incidence of neural tube defects. Since 1998, at the direction of the US Food and Drug Administration, enriched cereal grains have been fortified with synthetic folic acid throughout the United States.

Above all, we must remember that taking pills cannot prevent or ameliorate neural tube defects per se, because many pregnancies are unplanned, and if prevention is to be effective, the women's folate status has to be high, not after she falls pregnant, but at the time of conception and immediately afterwards.

Unfortunately, awareness of such issues among women is declining, despite the laudable efforts of various public health campaigns, recent Department of Health advice in its leaflet, "Thinking of having a baby: Folic acid—an essential ingredient in making babies", and the work of the National Institute for Health and Clinical Excellence. A MORI poll for Action Medical

[Mr. Stewart Jackson]

Research in October 2000 showed that only 56 per cent. of women of childbearing age—those between 15 and 55—were aware of the health benefits of folic acid for unborn babies.

In analysing preventive strategies against neural tube defects across Europe, the *British Medical Journal* study of March 2005 that I quoted earlier specifically discounts the efficacy of recommending the peri-conceptional supplementation of folic acid in planned pregnancies as "not effective enough". Supplementation simply does not work. In addition, studies show that the relatively poor bio-availability of natural food folate, as a result, for example, of cooking, leads to a degree of deficiency in any case. The report also stated:

"Folate status of most women of childbearing age could be raised by fortifying a staple food with folic acid, which would also help to reduce socioeconomic inequalities in the prevalence of neural tube defects."

That is because such defects disproportionately affect poorer people. Poor diet and poor education continue to account for the fact that lower socio-economic groups are more susceptible to neural tube defects.

Let us turn briefly to the safety issues sometimes cited by participants in the debate on this issue. Research studies using folic acid at high doses have shown no evidence whatever of toxicity. Folic acid is safe, even at levels very much higher than those advocated to prevent neural tube defects, such as those recommended by COMA. In particular, and unrelated to toxicity, there is a concern that the "masking" of vitamin B12 deficiency has arisen—that folic acid could delay the diagnosis of that deficiency—but there is no evidence of that occurring, even in countries with fortified flour, as a recent US study concluded. The COMA report expressly dismissed those concerns in 2000. Indeed, there is evidence that older people would in any case benefit from folic acid fortification.

Let us briefly examine the possible technical obstacles to fortifying flour. There are none. There are issues in the marketplace relating to labelling and trade, but that is all. Not unreasonably, the baking and milling industry has indicated that it requires a Government directive before implementation across the board. Voluntary fortification has increased, but applies to only a very small proportion of the bread market.

We have reached a crossroads, and public policy on this issue is in a state of inertia. It is sad to note that the rate of neural tube defects remains at 1.8 per 1,000 pregnancies and has been at that level for 17 years, since 1988. We await with interest the detailed report and recommendations from the Scientific Advisory Committee on Nutrition, which the Minister advised me in a written answer on 12 September would be published later this year. We shall see. Unfortunately, judging by past performance, we are likely to see obfuscation, evasion and delay, particularly from the Food Standards Agency. Why? The facts are clear for all to see.

About three quarters of neural tube defects could be prevented if all women took a daily dose of 4 or 5 mg of folic acid before pregnancy. Flour fortification at the COMA-recommended level, resulting in an increase in folic acid of about 0.2 mg a day, would prevent 300 neural tube defects annually in the United Kingdom. There is a need for an effective public health strategy based on folic acid fortification of flour to an effective level. No other single public health measure could prevent as many serious congenital defects and the tragedy of so many pregnancy terminations. Folic acid fortification would be practical, feasible and safe and would even deliver benefits for cardiovascular health, as some studies have found.

Even as a libertarian, I confess that I have no truck with the arcane debates about the state versus the individual. We must be pragmatic and practical, as we have been in the past. If we had not been, we would still have a country full of children disfigured by polio, despite the fact that a vaccine was available to lift that terrible burden from them. The Minister can help to lift a terrible burden today from the hundreds of families who may in future endure heartache and be required to care for their loved ones in a way that goes beyond the bounds of most people's experience and endurance. Let us remember that we are talking about a congenital condition that is largely if not wholly preventable. We have seen the evidence from across the world. We now require the political will and the courage to take the tough decisions needed to improve the lives of our fellow citizens. I hope and trust that the Minister will rise to that challenge.

9.44 am

David Simpson (Upper Bann) (DUP): Will the Minister tell us how much finance the Government have put aside for the current financial year for research into spina bifida?

Mr. David Amess (in the Chair): Order. I had been advised that the hon. Gentleman wanted to make a speech. Is that the case?

David Simpson: No.

Mr. David Amess (in the Chair): No other Members want to speak, so Opposition spokesmen may now speak.

9.45 am

Sandra Gidley (Romsey) (LD): There is a limited amount to be said on the subject, and I do not intend to repeat what the hon. Member for Peterborough (Mr. Jackson) has already said. I congratulate him on securing the debate. I note with interest the fact that we have discussed the subject before. Four years ago, the previous Member for Peterborough also called for an Adjournment debate on this matter. Depressingly, we do not seem to have moved on very much in those four years. I shall return to the final remarks of the then Minister in a moment.

It is worth discussing briefly the sort of advice that women receive these days when planning their pregnancy. Given that many pregnancies are unplanned, there is clearly a problem, because the folate status of many women will not be at the required level. Someone might not want to take medication. Moreover, it is quite difficult to reach the required level simply by eating a diet rich in folates. One needs to drink about

10 glasses of orange juice a day or to eat a perfectly obscene amount of Brussels sprouts, neither of which is probably very good for you.

The National Institute for Health and Clinical Excellence confirmed that all women should be advised to take supplements preferably for about a month before they start trying to conceive, and to continue to take them for the first three months of pregnancy. I remember that when I worked as a pharmacist, women were put on a higher dose of 5 mg of folic acid if they were considered to be at risk. That advice was revised more generally for the wider population to say that a 400 microgram-a-day supplement should be sufficient.

Studies have shown that, apart from the period when quite a high-profile campaign was run about this, only about a third of women have any idea that they should be doing something about their folate status. Most women do not see a midwife before they become pregnant. That simply does not happen, so it is too late to act on that advice by the time one has one's first appointment with the midwife—an appointment made despite the shortages.

The current situation has, I believe, been outlined, but I should point out that recent research shows that 1,420 pregnancies were affected by neural tube defects, 90 per cent. of which resulted in a termination. One can argue whichever way one wants, but the NHS can ill afford the cost. There is certainly a cost to the women who must cope with terminating a pregnancy that may have been much wanted. We should not underestimate that cost, because this is not only about pounds, shillings and pence, but about women's lives and about something that could easily be prevented.

The long and the short of the issue is this: should we be fortifying flour because, as has already been pointed out, by the time most women know they are pregnant, it is too late to start taking the supplements? I was a little uneasy about the idea to start with. The Liberal Democrats consulted on it in a recent review of health policy. Some people were quite against the fortification of foods in the same way they are against the fluoridation of water. The difference with flour is that we do not have to fortify everything; we can make sure that an alternative is available, if one is needed for some reason. It can, for example, be a problem if epileptics have too much folic acid, so there could be an alternative available for them.

The situation is much the same with salt; most people do not realise that, years ago, iodine was put into salt in many parts of the world to help counter certain deficiencies. There are many precedents of putting substances and vitamins into products. Nearly every breakfast cereal is fortified in some way. Margarine—for those who eat that disgusting stuff—is fortified with vitamins A and D. At the time, these changes were all regarded as public health measures. It seems clear that we should seriously consider the fortification of flour and flour products, as long as there is an alternative.

The evidence from the United States seems to show that the fears about masking B12 deficiency and potentially pernicious anaemia in older people were unfounded. We would do well to consider that. We should also bear it in mind that 38 other countries have adopted the measure.

Looking back at the last time we had such a debate, I see that the then Minister said the Government took the issue seriously and were looking into it, and that various recommendations were coming out. However, we have not heard anything on the subject from the Government since. This is a timely opportunity for the current Minister to tell us what the Government will do to address the problem.

9.51 am

Dr. Andrew Murrison (Westbury) (Con): I congratulate my hon. Friend the Member for Peterborough (Mr. Jackson) on raising this topic for debate. Having spoken to him, I know that he feels passionately about it. The debate is timely, as we really ought to be reviewing what progress the Government have made. I commend ASBAH, which has done a great deal to raise the issue.

First, I shall set some context. As part of my preparation for this debate, I looked into our country's performance as regards child health and perinatal mortality. I must say that we do not do particularly well compared with European countries such as France, Germany, Italy and Spain. Indeed, the rise in stillbirths recently reported by the confidential inquiry into maternal and child death is alarming and, when we are talking about spina bifida and neural tube defects, we need to set that in a wider context. I hope that when the Minister speaks, she will spare just a couple of minutes of the ample time that will be available to her to let us know what her Government are doing to improve the health of children, particularly the very young.

UNICEF figures on low birth weight for this country are particularly revealing. The latest figures available, which are for 2004, show that 8 per cent. of children in this country have low birth weight, compared with 6 per cent. in Spain and Italy, and 7 per cent. in Germany and France. We appear to be at the lower end of the European batting order. Most people in this country would find that unacceptable. We hope that a Health Minister will address those adverse comparisons when making policy.

In a similar vein, we looked at what the European health report of 2005 said about the burden of disease for young children in the European region. We found that the figures for disability-adjusted life years per 1,000 births for conditions early in life were unflattering—those for neonatal mortality were even more so—with the European average for countries that pretty well approximate to our own at about 4, with France at 4.2, Holland at 4.9, Spain at 4 and Germany at 4.8, while Poland is at 5.3 and the UK at 7.2. It is unacceptable for our country to have figures that tend towards the eastern European average rather than that in comparable countries.

I shall deal now with the specifics of spina bifida. We are understandably reluctant to introduce compulsion in this country in place of informed choice. My hon. Friend has mentioned the Health Education Authority's campaign in 1996, which appeared to have been successful in raising the prominence of spina bifida awareness. Since the campaign ended about five years ago, we have seen a decline in the understanding of neural tube defects. Although I understand the Government's reluctance to introduce compulsion, and

[Dr. Andrew Murrison]

I share some of those sentiments, I think that much more could have been done in the interim to revisit the authority's campaign.

Sandra Gidley: Does the hon. Gentleman agree that the problem with a campaign is that it must be ongoing? The cohort of women who are interested in the subject is perpetually renewing itself. Women who become pregnant today may have been teenagers when the campaign was running, so they may not have been aware of it. The subject is not one about which mothers talk to their daughters. There is a continued need for education which is not being fulfilled.

Dr. Murrison: The hon. Lady is quite right. I disagree only in so far as to say that mothers do talk to their daughters about such issues. I hope that those mothers will remember some of those education campaigns. From my relatively recent experience, there is a memory among women of the need for folate. It has entered into our lexicography in a way that it previously perhaps had not, so the campaign did have value. However, I agree entirely with the hon. Lady that it must be revisited. The issue must be on the agenda all the time. The level of risk, sadly, has not changed, so we must ensure that women are constantly aware of the need for folate. There is no doubt about that. I hope that when the Minister makes her remarks she will be able to give us some encouragement that a campaign of the type that was carried out in the mid-1990s will be reintroduced. That would be very useful.

The hon. Member for Romsey (Sandra Gidley) mentioned the analogy—if it is an analogy—between the fluoridation of water and the addition of folate to flour and bread. I think that there is an analogy, and I shall probably annoy dentists by saying that there is a substantial difference between dental caries and neural tube defects. Neural tube defects are potentially devastating, and we must do what we can, in public health terms, to reduce their incidence.

Another difference, as the hon. Lady pointed out, is that we have an element of choice with bread products, or an element of choice can at least be introduced. Fluoridation of water, however, means that most people have no choice. There is a stark difference between the two. It is perhaps slightly ironic that the Government seem to be quite keen on the fluoridation of water, yet that enthusiasm has not been matched to date in their views on the addition of folate to flour products. It would be interesting to hear the Minister's thoughts on that.

I am old enough to remember at medical school the axiom that one did not give folate before checking an elderly person's B12 status. Twenty years on, that debate obviously continues. I am interested in recent research that suggests that the risk to an elderly person is more hypothetical than real. Nevertheless, those who specialise in health care for the elderly are concerned that, in providing folate in flour products, we may mask B12 deficiency. The pernicious anaemia will be treated, but the neurological consequences of B12 deficiency, which are the serious consequences of that deficiency, will not. I imagine that the Minister has that in mind and it may have informed some of her reluctance to take action up to this point.

We have also heard that certain anti-convulsants and folate do not really mix and that folate affects the efficacy of sodium valproate in particular. Those groups that champion people with epilepsy are concerned, perhaps, that the addition of folate to food might have adverse consequences. That can be managed, and strategies would allow it to be managed reasonably well. It is probably not an insurmountable obstacle, but it is a factor.

COMA's recommendations in 2000 were fairly unequivocal, yet the Government decided that the Food Standards Agency should look at the matter. One wonders sometimes whether the agency is scratching around for things to do. I will make no further comment than that. Having the FSA look at the matter seems to have been kicked it into the long grass; the agency has been considering it since 2002. I hope that the Minister will be able to tell us where it has got to.

We need a definitive plan. It is no good passing the proposal on to agencies so that no action is taken. The Government need to decide whether they are going to do it or whether they will pursue a libertarian line, which would be perfectly understandable. We need a statement from the Minister about which route she intends to take.

I hope that the hon. Lady will also look at ways of encouraging food manufacturers to add folic acid in a way that stops short of compulsion. Notwithstanding the remarks of the industry, I am sure that that might be achieved through the various interventions open to the Minister. Perhaps she has some thoughts as to how we can get around the sticky issue of introducing compulsion. In this country we are naturally reluctant to have things added to our food. We all enjoy watching "Big Brother", but we do not particularly want Big Brother ordaining what we shall eat, and most people in this country have little choice about the bread that they eat. Perhaps the Minister will consider the possibility that wholemeal flour might not have folate added if she is minded to ask manufacturers to add folic acid into bread more generally. People need to have an element of choice in their diet.

I hope that the Minister agrees that it is highly desirable that foods are labelled in a way that is accessible to people so that they can make their own choice. There will be those who decide, for whatever reason, that they do not want that substance, and they need to be able to make the choice. Some will hold that folic acid may have long-term adverse consequences for their health, although I can see no evidence for that, and they are entitled to their view. They may choose not to take foods to which folic acid has been added.

The Government might look slightly foolish if we found in 10, 20 or 30 years that there was a public health issue about the addition of folic acid and they had ordained it without giving people a choice. That would be a bad thing. The Minister has ages to talk about the subject, so I hope that she will be able to cover most of the points.

10.3 am

The Parliamentary Under-Secretary of State for Health (Caroline Flint): I am pleased to be able to respond to the debate this morning. I pay tribute to the hon. Member for Peterborough (Mr. Jackson) for raising the issue and to his predecessor, Helen Clark,

who, as ASBAH is based in Peterborough, saw this as an important part of her constituency work and secured the last Adjournment debate on the subject.

I appreciate the points made by all hon. Members this morning. As with any public health matter, particularly a move to adopt a universal approach to tackling different issues—whether through fluoridation or through the food supply—there are often convincing arguments for the proposal. The issues that have been raised are important, because we need to make sure that we have explored all the evidence, including emerging evidence, to ensure that the benefits outweigh the potential harm to others in the population who might be affected. I do not, however, rule out the universal approach. I am in favour of water fluoridation, so it would be hypocritical of me to rule out the idea of seeking better mass campaigns or initiatives in other areas of health.

More than 500 pregnancies a year are affected by neural tube defects, of which spina bifida is the most common. However, the issue is complex. Universal fortification of any food, such as wheat flour, as a public health measure, needs the fullest consideration. In the 1960s it was suggested that the risk of a woman giving birth to a child with a neural tube defect might be affected by her intake of the vitamin folate. Definitive evidence emerged in 1991 that supplementation with folic acid, the artificial form of the naturally occurring vitamin folate, significantly reduced the risk of NTDs in women who had already had an NTD-affected pregnancy.

At that time the Government issued guidance advising supplementation with 4 mg of folic acid to prevent reoccurrence of NTDs. That guidance was later expanded to cover the prevention of first-time NTDs, with the recommendation that all women planning a pregnancy should take 400 micrograms as a daily dietary supplement from when they began to try to conceive until the 12th week of pregnancy, and that they should consume folate-rich foods—green leafy vegetables and folate-fortified foods.

I take the point made by the hon. Member for Romsey (Sandra Gidley) about Brussels sprouts. I asked officials the other day about other folate-rich foods, and broccoli was mentioned. I was told that one would need to eat 2 kg of broccoli to get the recommended amount. I know that broccoli is a superfood, and it is one of my favourite vegetables, but that is a pretty tall order for any individual on a daily basis.

Our policy, and that of previous Governments, has been to try to ensure that women of childbearing age are aware of the need to take folic acid supplements before and at the time of conception, to minimise the risk of an NTD in their offspring. In 1995 the Health Education Authority ran a national integrated campaign that targeted women of childbearing age, health and other professionals, such as teachers and journalists, and the commercial sector, including food retailers and manufacturers.

I give credit to that campaign for achieving some heartening success. Unprompted awareness among women increased from 9 per cent. in 1995 to 49 per cent. in 1998, and prompted awareness has risen from 51 per cent. to 89 per cent. I am pleased to inform hon. Members that the last infant feeding survey, published in 2002, reported that 73 per cent. of mothers had taken supplements or modified their diets in early pregnancy.

Mr. Stewart Jackson: Does the Minister concede that supplementation does not work with respect to the absolute desire to reduce the number of neural tube defects each year, as represented by the scientific data over the past 13 years?

Caroline Flint: Clearly, there is still a problem. More than 500 pregnancies a year are affected and, as I was going to say, there is of course still a problem with the number of unplanned pregnancies. About half of all pregnancies in the UK are unplanned and by the time a woman knows she is pregnant it may be too late for folic acid to be effective.

Sandra Gidley: Will the Minister, for clarification, confirm that in speaking of supplementation she is referring specifically to folate, and not just general supplementation with a wider vitamin product?

Caroline Flint: I was referring to supplementation of folate.

As to reaching those women whose pregnancies have not been prepared for, I welcome any support and encouragement from those in this Chamber to the Government over widening access to contraception services. The issue of women's and girls' sex education, and their awareness of contraception, was raised earlier. These are important things for young women, and men, to learn. I take it that hon. Members will give full support for some of our work in our sexual health campaign in the months and years ahead. Those issues are tied together in the context of how people can best plan pregnancies, and they have implications in other areas besides the one that we are focusing on today.

In 2000, the Department's advisory committee, the Committee on Medical Aspects of Food and Nutrition Policy, concluded that universal fortification of flour at 240 micrograms per 100 g in food products as consumed would have a significant effect in preventing NTD-affected births and pregnancies, without resulting in unacceptably high intakes in any group of the population. It was estimated that this would reduce the incidence of NTD-affected pregnancies by 41 per cent. and would have prevented 38 of the 93 NTD-affected births in England and Wales in 1998.

We consulted on the recommendations in the report in 2000. Views were sought in particular on whether universal fortification of bread or flour was desirable; whether any such fortification should be mandatory or voluntary; the practicalities of fortification; the impact of the recommendations on consumers and consumer choice; and food labelling and technical issues for industry. The hon. Member for Westbury (Dr. Murrison) mentioned food labelling, which is extremely important in food safety and better health.

The consultation was therefore complex and the responses raised a number of issues. As the hon. Member for Peterborough mentioned, the majority of respondents—59 per cent.—were in favour of fortification. However, that was not overwhelming. The most common concerns related to the potential risks of

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fortification, in particular the risk of B12 deficiency among older adults. A significant number felt that there was still not sufficient information available about the possible adverse effects. Almost 80 per cent. of respondents felt that consumer choice would be lost if all flour were fortified. Respondents from the industry also stated that there may be technical problems associated with any mandatory policy.

All those concerns demanded further exploration and the Department of Health and the Food Standards Agency commissioned relevant research and undertook further work to develop a sound policy. I should remind the hon. Member for Westbury that one of the reasons this Government had support across the House for the creation and establishment of the agency was the knock-on effect of the disaster with BSE which was caused by a previous Tory Government and the issue of the quality of independent advice to Government on the safety of our food. The agency's public remit may not be exactly as some people might wish, but its remit is to advise the Government independently on the safety of food and to enable the consumer to make clear choices about the food they purchase.

Mr. Jackson: I am trying to avoid the overtly partisan nature of some of the Minister's comments. I fully concede that both Conservative and Labour Governments have not acted with due alacrity over the last few years, so we do not need to stray into political point-scoring. Can the Minister tell me what single piece of detailed, definitive scientific research the Department is using to militate against a policy of fortification with folic acid?

Caroline Flint: I will send the hon. Gentleman details of the research.

In answer to the question that the hon. Member for Upper Bann (David Simpson) raised about research spending, I can tell the Chamber that approximately £1 million a year has been spent on research on folate during the past three to four years. I am happy to provide details of that research.

Sandra Gidley: In the previous Adjournment debate, the then Minister of State, Department of Health, the right hon. Member for Redditch (Jacqui Smith) said:

"To make full sense of the findings on the prevalence of B12 deficiency, a cost-benefit analysis has been carried out by the Department of Health."—[*Official Report*, 19 December 2001; Vol. 377, c. 395.]

Quite a lot of the argument against fortification seems to relate to B12 in older people. Will the hon. Lady tell us about the findings of the cost-benefit analysis?

Caroline Flint: I am happy to write to the hon. Lady with more detail. In the next part of my speech I shall explore the issue of B12 deficiency a little more. There is a balance to be struck. Sometimes we do not have enough information to hand about the potential adverse effects. It is a difficult and complex area. The findings in the United States have been cited this morning; there are sometimes difficulties in comparing different countries' practices, like with like. I like to think that we, with our health service that is free at the point of service, have a lot to teach America, although I do not say that we cannot learn from the Americans. There are clear issues about access to health services, particularly for older people, and the problem of identifying whether folic acid masks B12 deficiency and thus affects the ability of the health service to ascertain whether an older person suffers from it.

The benefits for women of childbearing age of taking folic acid are well established, but many feel that the potential risk of vitamin B12 deficiency, particularly for older people, is not. Many hon. Members agree with that. High levels of folic acid can make it difficult to diagnose B12 deficiency, which can, if undetected for a long time, cause damage to the nerves and spinal cord, leading to severe disability. The anaemia that usually appears first allows early detection of B12 deficiency before any nerve damage occurs. Older adults are at the greatest risk of B12 deficiency, because they are less able to absorb vitamins from foods—we will all have to adjust to that as we get older. There is, therefore, legitimate concern that the fortification of foods with folic acid could increase the number of older people at risk of undetected B12 deficiency.

Information on the true prevalence of B12 deficiency in the UK was unknown in 2000, and we felt that it was not right to make a decision at that time without further work on that and other issues. Recent research funded by the Department indicates that 10 per cent. of people aged over 65—approximately 5,000 to 6,000 people—could be at risk of undetected B12 deficiency.

As has been mentioned, fortification was introduced in the US in 1998, from which there seem to be some good outcomes. No other European country has implemented a mandatory fortification policy; countries that have include the United States, Canada and Chile. Although a number of respondents to the consultation suggested that we could use the American policy to inform our policy, it is difficult to compare the situations there and here. I acknowledge that there are no adverse reports in America, so far, about B12 deficiency, but the Americans have not focused on unidentified B12 deficiency. For all we know, it could be that people there have suffered from B12 deficiency that has led to more severe problems, but the situation with the American health systems means that it has not been picked up.

Mr. Jackson: Is the hon. Lady aware of the paper that Professor A.V. Hoffbrand gave to the ASBAH symposium on 10 May, in which he quoted four academic studies from the United States that failed to show any empirical, clinical evidence linking folic acid intake with B12 vitamin deficiency in young or old people?

Caroline Flint: That is interesting. I am happy to consider the paper and to make sure that our officials are aware of any developments in the United States, but it is important to consider the differences between health services, particularly in relation to the ability of the poorest people in society to access them. We in this country have something to be proud of in that regard.

Dr. Murrison: I would like to clear up a small point. Is the Minister saying that because she disagrees with the

health care delivery system in the United States, she believes that the public health surveillance system there is defective? That is the implication of her remarks.

Caroline Flint: No, it is not. I am saying that the health services of other countries cannot necessarily be compared, like with like. The United States has some examples of extremely good health care, but I am advised that the problem of B12 deficiency does not have a particularly high priority when trying to identify whether fortification poses a risk. The FSA and the Department of Health believe that that matter needs further consideration. As I said, I shall ensure that our officials are made aware of recent research, and that it informs all discussions on fortification.

The FSA has also been addressing other issues of concern to consumers, such as the labelling of fortified foods, an issue mentioned by the hon. Member for Westbury; the legal position; and the technical aspects of fortification, such as problems with the fortification of wholemeal flour to which no vitamins or minerals are added, and the additional amounts required to overcome loss of folic acid during processing. The FSA has conducted detailed discussions with industry to ensure that any proposed action is feasible. If we are to make a recommendation for change, we must ensure that that important work has been done.

The FSA board subsequently concluded that it would not recommend the mandatory fortification of flour with folic acid, and it wished further to review emerging evidence on the impact of fortification on B12 deficiency in older people. I understand that that work is ongoing. We agreed with the board's advice and asked the Scientific Advisory Committee on Nutrition to consider the implications of folic acid fortification and any emerging evidence on the benefits and risks. I shall check that the papers cited by the hon. Member for Peterborough have been taken into account.

The SACN has been considering the risks and benefits of fortification, not only in connection with the prevention of spina bifida but because of its potential to reduce blood homocysteine levels and thereby the risk of heart disease. The hon. Gentleman mentioned circulatory disease. Those interesting developments may lead to fortification having more than one added value.

Mr. Jackson: I promise that this will be my last intervention—probably. I am anxious to press the point before the Minister concludes her remarks. Will she give an undertaking that the results and recommendations of the SACN will be considered promptly by the Food Standards Agency; that is at least within 12 months, and preferably within six months? That is not an unreasonable request, given that it is now 14 years since the Medical Research Council's landmark report. With all respect, ASBAH and the families who are suffering and will suffer as a result of that congenital disease have waited long enough.

Caroline Flint: I am certainly looking into what progress has been made, and I understand that the SACN is hoping to finalise its report early next year. It is meeting tomorrow, and its decisions on timetabling will be reported to me. I have also asked officials to raise the question of the level of fortification to ensure that it is considered by the committee; it is an important aspect of the discussion. The committee will be finalising its report early next year, after publishing it for external consultation with stakeholders. The Food Standards Agency and my colleagues in Scotland, Wales and Northern Ireland will consider the SACN recommendations carefully.

The hon. Member for Westbury made a number of statements on health, low-weight births and so on. Those are important issues. The Labour Government were the first to recognise that there is something called health inequality. Conservative Governments called it "variations in health". Over the past few years, we have been trying to understand why, despite the available evidence, we are not reaching people in poorer communities as well as we should. That has been happening for decades.

Dr. Murrison: Will the Minister give way?

Caroline Flint: No, I should like to develop my argument. We are debating important issues.

We know that public health and people's choice of lifestyle are often affected by social and economic factors. That is why, for example, we have some 88 spearhead health communities; we have identified them as some of our poorest, and we have identified better ways to reach them. Most Members of Parliament, and their families, feel confident enough to access the latest information on the internet about how they should look after themselves and what vitamins they should take. For some in our communities, that is not the case, partly because our health services have been structured so that they focus only on treating people when they are ill rather than trying to prevent them from falling ill in the first place.

"Choosing Health", which was published last year, is the first comprehensive White Paper dealing with public health which recognises that Government have a role. Clearly, the health service has a role, and local government has a role in matters such as the quality of the environment. Tackling crime is important as well, but how can we allow individuals to make choices—choosing health—for themselves? I shall give one example relating to low-weight birth, which I was interested by when I read about it. We have made enormous progress in England in addressing some of the issues concerning smoking, particularly in raising to a high level the awareness of the dangers of smoking while pregnant among women who are or who want to become pregnant. I am proud to have helped to establish the first service of its kind for pregnant women in Doncaster, which then became the national Quitline service to support pregnant women wishing to give up or reduce smoking.

Despite good evidence that smoking rates have gone down while this Government have been in power, tremendously so among pregnant women, there is a smaller group of pregnant women, often very young and often of low educational attainment, who have a confusion in their minds. Some of them weigh up the consequences of smoking against those of having a heavier baby, thinking that a low-weight baby would be less painful in childbirth.

That is one example showing how, when we are talking about public health, within and between communities, with men and women, older and younger

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people, and people from different ethnic backgrounds, we must understand where they are coming from if we are to make some progress in reducing health inequality. For too long, the health service has been quite traditional and has focused on hospital services rather than on what happens in communities and how we can work together.

Dr. Murrison: Will the Minister give way?

Caroline Flint: In a moment; I have plenty of time, as the hon. Gentleman told me earlier.

We introduced the Sure Start programme. I was pleased to be able to sit on the board of the trailblazing Sure Start unit in my constituency. I have seen it grow over the last few years because of the help and support that it gives to people and their families—men and women, grandparents and others. They also use the outreach services. I have seen a transformation in the role of health visitors and community midwives, who are working much more with families on issues that are wider than the conventional issues of antenatal care.

Mr. David Amess (in the Chair): Order. I hesitate to interrupt the Minister because the debate is very interesting. However, I am reminded that it is confined to spina bifida and folic acid. I gently ask her, and all those seeking to intervene, to confine their remarks to the subject of the debate.

Caroline Flint: I heed your advice, Mr. Amess, but I am sure that you will not have begrudged me the chance to respond to a rather open contribution from the hon. Member for Westbury. I shall bring those remarks to a close.

A point was made by, I think, the hon. Member for Peterborough, about the fact that it is often those families from lower groups and poorer backgrounds who are most at risk of being deficient and experiencing problems such as spina bifida. I reiterate my point that we must find better ways to reach those groups who often lack the confidence or the awareness needed to access health services that some of us take for granted.

Dr. Murrison *rose—*

Caroline Flint: I shall take the hon. Gentleman's intervention, as long as it is strictly within the terms of the debate.

Dr. Murrison: I am grateful to the Minister for allowing me to intervene in that qualified way. She mentioned health inequalities, and I was wondering whether she had read her Department's figures on them. If so, could she tell us what they reveal?

Mr. David Amess (in the Chair): Order. Obviously, the hon. Gentleman felt that he had to read that into the record, but I ask the Minister not to be tempted to reply, because we are talking specifically about spina bifida and folic acid.

Caroline Flint: I will say one word—progress.

Dr. Murrison: On a point of order, Mr. Amess. Would it be appropriate for you to ask the Minister to reconsider her last remark and for you gently to suggest—

Mr. David Amess (in the Chair): Order. The hon. Gentleman must desist from giving me advice, although I know that he has the best of intentions. I ask the Minister to proceed with her remarks.

Caroline Flint: Thank you, Mr. Amess. I hope that we will make progress on the core subject of today's Adjournment debate.

We all agree that universal fortification is a complex issue and raises all sorts of questions about the scientific evidence base and about what is publicly acceptable. We have touched not only on the health outcomes, but on how we make fortification work, how we keep people informed and how the industry can respond technically. I hope that, after careful consideration of the benefits and of how we manage any risks, we can make progress.

The Government continue to encourage women of childbearing age who might become pregnant to increase their folate intake, including through the use of supplements. We are also promoting the use of pre-conceptional supplements and increased dietary intakes of folic acid through the "healthy start" and "five a day" programmes, for example. In addition, we are considering ways of addressing concerns about the prevalence and about the identification of vitamin B12 deficiency among older people in its own right. We are also supporting the folic acid flash scheme, which helps consumers to identify foods that manufacturers have voluntarily fortified with folic acid. I shall have a look at what further work can be done with industry on voluntary change.

I hope that I have reassured Members that we are taking this issue seriously. After the previous agreement with the FSA not to recommend fortification, we have not simply let the issue drift. We constantly consider reviewing the situation and updating our approach, based on any evidence that comes forward. We shall be considering the issue in great depth.

I welcome today's debate. We shall endeavour to find the best public health solution, taking account of the benefits and risks to all sections of the population. I say to the hon. Member for Peterborough that I certainly hope that it will not be 12 months before we reach conclusions on this issue.

10.32 am

Sitting suspended.

Local Transport (Somerset)

11 am

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I shall start, unusually, by praising the Government. Then again, there is nothing like good news. I thank the Government for calling in the Exeter airport bid. I do not think that there is any doubt in my constituency that we did not want Bristol and Exeter airports owned by one company, whoever it might be. I hope that the Government will consider the issue in the light of transport competition and will take the right decision, which is to put the matter back into the melting pot so that we do not have two regional airports in the west country owned by one company.

I am grateful to have secured the debate, but also rather sad. This is not the first time that I have stood in Westminster Hall to question the transport policies of my local county council. The Minister may be relatively new to her office, but her capable team will certainly have given her chapter and verse about my regular parliamentary interventions on the subject over the past four years. The trouble is that there are enough chapters and verses to fill the Library. I have stood here and bemoaned Somerset county council's road speed management policies more times than I and probably the Liberal Democrat rulers of the council would care to remember. I have criticised the council for cutting bus subsidies and I have fearlessly, on occasion, had to name names. Today, I reserve the right to do the same all over again.

Perhaps the leader of Somerset county council, Mrs. Cathy Bakewell, is already bracing herself for another personal tirade. Perhaps down in her bunker in Taunton, the official spin doctors are even now loading fax machines with a counter-attack, a spirited defence of their Lib Dem leadership. I can already sniff the cordite, but just hold your fire and hear me out. The truth is that I would much prefer to be sharing the warm glow of civic pride. How refreshing it would be to pat Mrs. Bakewell on the back and pamper her with praise. I would love to stand here and congratulate the county council on a terrific transport policy. That is one of my genuine ambitions, but I am sorry, Mrs. B.; it ain't gonna happen today.

What follows is a tale of muddle and woe, a story that would be more plausible if it involved a chaotic boarding house run by John Cleese. It is about what really goes on down in county hall or, as everyone else in Somerset seems to call it, Bakewell towers. We are talking about a branch of local government that has a huge impact on people's lives. The transport division runs the buses, maintains the roads and, importantly, gets children to school. We all accept that that is not an easy task in beautiful rural Somerset with its meandering roads. It requires a dedicated and experienced team of people behind the scenes, with a thorough and businesslike approach. It cries out for annual progress reports. I believe that Her Majesty's Government insist on such reports; APRs are very important things.

The last one conducted for Somerset's transport division was called APR4. It was a study of how the council had performed in the year ending April 2004 and it considered specific targets and compared them with real results. APRs are ready-reckoners of local government; at a glance, one can spot what has gone wrong and what has gone right. In Somerset, the comparison was stark. Between APR3 and APR4, something went badly wrong. The wheels of the transport department are—dare I say it?—perilously close to falling off. Who is to blame? Aha! This is where the plot begins to thicken.

Before the electors of Bridgwater and west Somerset sent me to this place, I was an Army officer. When something goes wrong in the Army, it is the officer who has to take the blame, and rightly so; it is the officer's head on the block. The same should, and usually does, apply to local government. That is why the top people—the departmental managers of county hall—are paid upwards of £44,000 a year. That is why we have elections to keep in, or kick out, the politicians. The whip hand is with the people.

It is all fine and dandy if the council leaders produce sensible policies for the highly paid managers to undertake and the highly paid managers have a dedicated team of people. In Somerset, however, the council leaders have come up with a tuppence ha'penny transport policy; actually, I would not give them as much as half a tuppence. The highly paid transport managers cannot get enough people to work for them. I want everyone to hold that thought. In Somerset they cannot get the staff. When one hears the whole story, I suspect that one will understand why.

It is a bit like running an army with generals and officers but no troops; that may be rather too close to home. It is a guarantee of cock-up and disaster. Remember that this is a department with the power to spend millions of pounds of public money every year; it is the department that organises road repairs and deals with multi-million pound, blue-chip contractors, negotiates with bus contractors and deals directly with Government. We would rightly expect such responsible tasks to be undertaken by a team with experience, but we would be bitterly disappointed, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) has said on many occasions.

Many of the important and responsible tasks requiring experience and professional know-how in Somerset county council's transport division were at the time being executed by—wait for it—an office junior. I said earlier that I reserve the right to name names, but in this case I will withhold it; I do not attack the executive. The junior in question turned out to be a minor. With such a degree of inefficiency displayed by the transport division, the Government office for the south-west ordered a full internal inquiry, in the course of which it became clear that the junior officer was doing far too much important work and doing it with understandable inefficiency. How could he cope? It was not his pay grade.

I would not have been so bad if the junior had possessed the magic powers of Harry Potter, but that junior was what Alastair Campbell would describe as a bog-standard junior. I do not blame him personally; I would never do that. Fresh out of school, perhaps, still a bit spotty, very keen but wet behind the ears. I certainly blame the managers and, above all, just like the Army it is the general's fault. The buck must stop with Councillor Bakewell.

[Mr. Ian Liddell-Grainger]

In Dickens's day they sent boys up chimneys; it appears that in Councillor Bakewell's day they seem to have found a new use for child labour in Somerset county council's transport division.

I am afraid there is a lot more. The Government office of the south-west did a lot of digging and found a great deal of dirt and, in my book, dirt is inefficiency. Here is an example. The investigators looked at the strategic performance targets set for the divisional transport division; two-thirds of them—66 per cent. of the targets—had been missed badly. In the Army, that is a rate of miss for which a person would have been court-martialled. I do not just mean a miss by several miles, I mean that in many cases the targets were not just missed; they were never fired at in the first place.

Money allocated for specific targets and projects in Somerset was not spent at all in many cases. The report from the experts at the Government office describes the efforts and efficiency of the transport division as "weak". It is an appalling circumstance. It is a rather genteel description, but, surprise, surprise, Somerset county council is already behaving as though it was unfairly treated. It says that being weak is awfully close to being not so weak. However, it is a heck of a long way from being strong, which it should be.

I approached county hall for a report, but it did not want me to have sight of it. I wonder why? Could it be that it did not want me to read about the serious lack of managers? Yes, the managers have been leaving like rats from a sinking ship. I had to get a copy of the report from the Minister's Department and the Library. It was finally e-mailed to me after I had threatened to name names in Parliament. That is a damning criticism of a body that handles so much public money.

There is more. The report looked at Somerset county council services overall and came to the conclusion that it is obvious to those of us that use the service that the thrust of corporate thinking is directed at social services and education.

Mr. David Heathcoat-Amory (Wells) (Con): Is my hon. Friend aware that the administrative confusion, added to the fact that there is an annual raid on the transport budget for other purposes, has led to a marked deterioration of the secondary roads in Somerset? There is no routine resurfacing of those roads and there is an enormous backlog of maintenance. Is that not a direct contradiction of the promoted sustainability, which we hear all the time? Does my hon. Friend agree that that is a further illustration of the great gap between words and deeds with which we are familiar from the Government, but which has now also crept into county council government?

Mr. Liddell-Grainger: I thank my right hon. Friend and agree with the point that he makes. He is the senior MP in Somerset, and for 20 years has held the county council to account.

As my right hon. Friend said, the secondary roads in Somerset are a disgrace. In fact, a local county councillor called them

"a load of cart-tracks."

At the moment, the county council is desperately trying to sort them out—to tar them and bring them up to standard—but it is failing dismally. I agree with my right hon. Friend that if the roads are not sorted out, they will get much worse.

It is small wonder that, in 2003, transport was considered so unsatisfactory by the public that Councillor Bakewell gave the budget an extra £3 million to try to paper over the cracks. Did that work? Did it heck. That was the year when major internal organisational changes were implemented. In other words, the report identified a clear muddle. It was also the year of the wretched road sign fiasco, when half-baked policies to cut down accidents led to hundreds of silly speed signs in all the wrong places. That policy was implemented without decent consent and millions of pounds was wasted. No one was consulted. The only pleasure that I take in criticising the county's policies is that at least they had the guts to reverse them, even though they had spent £2 million in the wrong way.

The road management policy was reversed simply because the public in Somerset rebelled and said, "Enough is enough." I again have to pay tribute to the Government, because the Minister's predecessor said that they would not support the policy.

I admit to one extra personal pleasure; the fate of the Liberal Democrat councillor who shared the implementation of those policies. At least the electorate had the sense to chuck out ex-Councillor Tim Carroll.

I read the Government's own report, or as much of it as the county council was prepared to let me have, with a growing feeling that it explained many things that had gone wrong and are still going wrong with the council's transport policy.

Now I understand why the county was so stupid as to slash its bus subsidy by a quarter of a million pounds. It happened because the division that could have defended bus subsidies was woefully short of senior managers with the brains or the clout to intervene. They did not dare to do so.

Many thanks are in order to the investigators from the Government office for the south-west and the Department for Transport. Without their investigation we might never have known, and without their efforts nothing would have been done to put things right.

I am prepared to give Councillor Bakewell one single benefit of the doubt. Her officials say that the next annual progress report will be better, and claim that the Government office for the south-west is now content, or slightly more content. Perhaps the Minister can enlighten me on that matter. Perhaps it will be worth waiting a little longer to see what happens.

The report is a classic; a textbook example of how not to run a vital council service. I think that it will be known forever by the people of west Somerset as "Bakewell's folly".

11.13 am

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on securing this important Adjournment debate on local transport in Somerset. I have listened with interest to what he has had to say.

I am sure that the hon. Gentleman will forgive me for not wishing to comment in any detail on the representations that he has made about the leader of Somerset county council. That is beyond my brief and I do not think it would be appropriate for me to comment on those strongly held views.

However, I will talk through the Government's approach to local transport in Somerset and the funding arrangements, and I will refer to some of the points that the hon. Gentleman made about some of the allegations concerning the delivery of local transport.

I shall begin by stating that the Government are committed to sustained long-term investment to improve local transport as a key element of our 10-year plan. We announced in December 2000 that £8.4 billion would be made available to implement local transport plans across England over the following five years. In December 2000, we said that Somerset county council would receive more than £22.5 million

In December 2000, we said that Somerset county council would receive more than £22.5 million for integrated transport measures in its first local transport plan. In fact, we provided almost £3 million in reward funding and supplementary bids in addition to that figure. In last year's White Paper, "The Future of Transport: a network for 2030", we confirmed our commitment to continue that high level of investment in all forms of transport. The planning guidelines, published for the five years of the second local transport plans, maintain those levels of high investment.

Subject to the results of the consultation and the final assessments of Somerset county council's second local transport plan, we plan to make available to it similar levels of investment of almost £24 million in the next five years. Of course, that figure could increase significantly if the local transport plan were assessed as being one of the best in the country. On the other hand, a bad assessment could reduce the level of funding.

Local transport plans are intended to address the very real needs of people in Somerset. The focus will be on our shared priorities, which have been agreed with our partners in local government. There are four main priority areas on which we focus. First, we expect plans to tackle congestion, which is a cost to us all in lost time and in air pollution. Secondly, the local transport plan will aim to improve people's access to the jobs and services that they need for day-to-day living. This is not necessarily about improving transport, although it will be in many cases, but about taking services out to the people who need them. Thirdly, local transport plans will continue the excellent work undertaken in the past five years to improve road safety. Finally, local transport plans are intended to improve air quality overall.

Mr. Jeremy Browne (Taunton) (LD): The Minister said that two of the objectives were to reduce congestion and to improve air quality. Congestion is a particularly acute problem in Taunton, the county town of Somerset. The vision for Taunton, as part of an overall regional strategy, is that two new bridges will be built in Taunton to improve traffic flow and to ease congestion in the town. Will the Minister, either this morning or at some point in the future, say where the Government have got to on the decision to fund those two bridges, and whether she is sympathetic to those projects?

Ms Buck: I am afraid that I cannot tell the hon. Gentleman today what the Government's position is on the funding or the general commitment to those bridges, but I am happy to write to him with an update.

Transport authorities are now working up final plans to take account of lessons learnt and to plan for the next five years. My Department is working closely with authorities across a range of topics and is advising where necessary on improving delivery and achievements of targets. Final local transport plans will be presented to Government next March.

I emphasise that we are still consulting on the precise way in which we will allocate funds through LTP2. Under the current proposals, as I have said, Somerset will enjoy similar levels to those in the first local transport plan as a result of this formula. I note the hon. Gentleman's concern that rural areas appear to lose in this process, but that will not be the case in Somerset. We are keen that the way in which these important resources are allocated to local authorities should be clear and transparent, which is why we undertook the consultation.

I listened with interest to what the hon. Member for Bridgwater said about Somerset's particular local transport problems. Last December, my Department allocated Somerset £20.5 million for this year's integrated transport allocation, including £16 million for maintenance. As he knows, last year's assessment of all transport authorities' performance classified Somerset's performance as weak. In order to help Somerset to improve its performance, my Department has commissioned W. S. Atkins to advise it, as the hon. Gentleman pointed out. This work has highlighted several areas that require improvement, and W. S. Atkins has recommended measures to address those problems. I am sure that Somerset will consider how to implement the report, and that its officials will work with my officials in the Government Office for the South West to improve their performance. We are assessing Somerset's latest APR, and will make the result public later this year.

The hon. Gentleman will also be aware of the need for prudent management of regional transport funds. We have taken a bold step by introducing regional funding allocations so that the regions will have a responsibility to advise Government on their priorities for the future funding of projects and schemes. Somerset will no doubt contribute to the prioritisation process, and I look forward to hearing more about the county's involvement.

Somerset has also contributed to, if not led, the south-west region's discussions on improvement of freight movements across the county by co-ordinating the production of a regional freight map. That crucial work will ease local people's concerns about HGVs in villages, and will provide operators with clear route guidance to avoid problems. Again, I look forward to seeing how the work can inform a sensible and consistent routing of HGVs to minimise their impact on local communities, and to provide an efficient network for the delivery of goods throughout the region.

[Ms Buck]

The hon. Gentleman will be aware of the recent opening of the Silk Mills road bridge in Taunton, which now spans the main south-west rail line, replacing an historically congested level crossing. That is part of an additional £14.5million package of local transport major projects improvements, providing free flow of traffic to complement the development of a new park and ride facility that will soon be offering temporary parking for Christmas shopping. It is further evidence of the Government's commitment to address congestion points within the county.

In addition, an £11.6m package of transport measures designed to alleviate congestion in north-west Taunton is currently being assessed by my officials, with a decision expected next year following receipt of the region's advice on its priorities for that type of scheme.

I hope that I have been able to demonstrate that the Government are committed both to continuing investment in local transport in Somerset and to working with local authorities to ensure that their performance is raised. We are closely monitoring that performance and will continue to do everything that we can to work in effective partnership, both in setting priorities and in ensuring that our investment is delivered properly in order to improve the transport system in the hon. Gentleman's constituency.

Sitting suspended until 2.30 pm.

Private Sector (NHS)

2.30 pm

Mr. Kevan Jones (North Durham) (Lab): I am pleased to have secured this debate. The use of the private sector in the health service is a topic of great interest not only in the House but in the country.

I shall start by making it clear that I am not against private sector involvement in the NHS per se. By calling this debate I shall no doubt be labelled as troublesome, lefty and against any reform. I am not against reform. I am open to suggestions that work for my constituents or those of other hon. Members.

If the private or independent sector is able to provide services that complement those provided by the NHS, at a competitive price, without affecting the standard of care or undermining the NHS's general principles, its involvement should be welcomed. It should be welcomed as long as we remain true to the principles of the NHS. In other words, the service should meet everyone's needs, be free at the point of need and be based on patients' clinical need rather than on their ability to pay.

I am almost sure that the Minister will refer to the fact that the private sector has been involved in the health service from its inception. I agree with that. The County Durham and Darlington Acute Hospitals NHS Trust is a good example of use of the private sector. At Bishop Auckland hospital and at Darlington memorial hospital, a private company called Lodestone has provided screening services for the past five years. At Bishop Auckland hospital, the waiting time for non-urgent scans is three weeks and at Darlington it is about four weeks.

However, where the private sector operates in the NHS, we must ensure that three main criteria are met: the founding principles of the NHS must be adhered to; the public must receive value for money; and NHS services must be complemented, not undermined. Unfortunately, the case to which I shall refer affects my constituency, where I wonder whether any of the three criteria are being met.

David Taylor (North-West Leicestershire) (Lab/Co-op): Would my hon. Friend add a fourth criterion to the three that he has given, and with which I do not disagree? The resources given to the private and independent providers in the NHS should be similar to the NHS units with which they compete. Independent sector treatment centres, for example, have no obligation to provide acute and continuing care. They are also given, on average, 40 per cent. more resource, so they are able to cherry pick, compete with and close down NHS units.

Mr. Jones: I strongly agree with that. If the private sector is to complement the health service, it should compete on a level playing field, not on an advantageous playing field, which clearly some parts of it are being set up to do.

Mr. Paul Farrelly (Newcastle-under-Lyme) (Lab): I do not want to make the list of criteria endless, but does my hon. Friend agree that there should always be, as a fifth criterion, proper, considered consultation and

debate about wide-ranging proposals? It is unfortunate that we have not had that because the Government slipped out the paper a week into the summer recess.

Mr. Jones: I shall be referring to that later. It is important that local people have a say in the way in which their health service is run.

By way of background to how I got involved in this debate, in February of this year, a woman called Pat Hall who lives in Craghead in my constituency came to see me. She explained that she was experiencing a long delay in getting a magnetic resonance imaging scan and was confused as to why she was being sent to the James Cook university hospital in Middlesbrough rather than the University hospital of north Durham, which is very near to where she lives.

As most Members would have done, I wrote to the chief executive of the local NHS trust for an explanation. Very helpfully, a few days later, the chief executive, John Saxby of the County Durham and Darlington Acute Hospitals NHS Trust wrote back to me. What he wrote was illuminating. He of course apologised for the delay in Mrs. Hall's scan. He referred to some wider issues that affected not just this case but others in north Durham.

Mr. Saxby pointed out that the Department of Health nationally had agreed an initiative which resulted in the commissioning of Alliance Medical Ltd to provide additional scanning services to the NHS. He described how the mobile scanning unit provided by Alliance Medical had arrived at the University hospital of north Durham, only to find that the reinforced parking area required for it was not near enough to the electrical power supply. As a result the scanning unit was moved to Middlesbrough. My constituents had to travel down to Middlesbrough rather than to their local hospital. The distance is about 30 miles. Some might say that that is not very far, but my constituency has very low car ownership. People living in some of the outlying villages might as well be on the moon: 30 miles is a long distance for people with no access to cars.

Mr. Saxby described the problems with the contracts he was facing and I will return to that later. I found some of the wider issues he raised absolutely fascinating. I should like to read out some of what he describes as his "quibbles with the contract". He states:

"The MRI scanner at University Hospital North Durham is considerably under-employed and has been for some time, and it is the case that had the 'Alliance Medical' money been directed to us at the University Hospital North Durham we would have been able to put on a large number of scanning clinics, which would have almost eliminated in total our waiting times and waiting numbers."

He went on to say:

"It was a disappointment for us when the Department of Health said that providing individual hospitals with additional resources was not an option, the additional resources had to be made available to the private sector."

He concluded:

"We are not alone in this as there are a number of hospitals up and down the country, which have spare capacity within their existing scanners."

I was concerned, as I am sure other hon. Members would be, by what Mr. Saxby said in his letter.

First, there was the shambolic case of Alliance Medical arriving at the hospital and not being able to operate the service because the electricity supply was not laid on, forcing my constituents to travel 30 miles to Middlesbrough. Secondly, and far more seriously, the local NHS trust was seeing money that could have been used to operate an underused scanner diverted to a private company at the expense of the NHS. Finally, this was happening not only in north Durham but throughout the country.

Helen Jones (Warrington, North) (Lab): Does my hon. Friend agree that the situation is even worse? Many of the independent treatment centres are being paid above NHS costs as well as being able to cherry pick the easiest operations. Yet they have no responsibility and nothing built into their payments for the cost of training staff and ongoing staff developments.

Mr. Jones: I entirely agree. It is an area that I shall explore later. Trying to pin down exactly what the costs are is difficult as they are shrouded in mystery somewhere in the Department of Health. Following Mr. Saxby's letter, I asked a series of written questions to try to get the facts about this contract. I was keen to find out what the Department of Health's view of the contract was and, in particular, I wanted to know whether the contract represented value for money.

Contrary to press reports in *The Sunday Telegraph* of 27 March this year, I have not been gagged, and over the past six months I have asked more than 100 written questions to try to get to the bottom of this matter. I have not been reassured by the answers that I have received. Overall I have a number of concerns about the replies from the Minister and his predecessor, the Chancellor of the Duchy of Lancaster, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), and even the reply to my oral question to the Secretary of State herself a few weeks ago. I hope that by answering some of my questions, which the Department seems reluctant to answer in writing, the Minister can free up some of my time and ensure that I do not have to table five questions a day to the Department.

I suggest that any right hon. or hon. Member who wants to get to the bottom of an issue should keep asking parliamentary questions, because the way in which they are answered raises even more concerns. I have used this process to glean as much information as I can, and the information that I am about to give is the Department of Health's own—it is not my opinion. If the Department wants to deny the facts, it can happily look through my hundred-odd written questions.

My first concern is that, in commissioning a private firm to run the scanning service, the Department has made no assessment of existing capacity in the NHS—this is where things get a little boring, so I hope that everybody will stick with me. On 5 October, in answer to a written question, the Minister said that what he described as

"an unparalleled expansion in most diagnostic services"

was the result of

"plans . . . based on understanding and meeting local needs for diagnostic services, which have been developed through working closely with local health communities to understand their needs for extra capacity."—[*Official Report*, 5 October 2005; Vol. 436, c. 2831W.]

[Mr. Jones]

I wonder how that answer squares with the facts at the University hospital of North Durham, whose scanner is only five years old and is used for only 50 per cent. of the time that it could be.

In other answers, the Minister refers to the capacity planning exercise that took place in 2004 with the strategic health authorities. Apparently, it concluded that MRI scanning services needed to increase by 100 per cent. over the next three years. Unfortunately, the Minister and the Department do not refer in their answers to any assessment of existing capacity—they talk only about expanding capacity. Furthermore, I spoke to my local strategic authority, which confirmed that no such planning exercise had been undertaken. Like the University hospital of north Durham, it has simply been told by the Department that it has to use a centrally procured contract with Alliance Medical and that that is the way to get the waiting list down in Durham.

That can lead to only one conclusion: the commissioning of Alliance Medical to provide scanning services was done on the basis of political dogma, not evidence. According to the dogma, if waiting lists are long, the NHS must be too inefficient to sort out the problems and a private firm should be given the money to tackle them instead. However, the failure to examine existing capacity has led to a problem, because, in north Durham, an NHS-provided scanner is sitting there unused.

The other problem is how we test whether the contract is good value for money. The Minister was unable to tell me the average cost of a scan on the NHS and, in a written answer on 22 June, declined for reasons of commercial sensitivity to tell me the average cost of a scan provided by Alliance Medical. In the same answer, however, he stated:

"The contract was secured at excellent value being approximately half the national health service equivalent cost for the total patient episode."—[*Official Report*, 22 June 2005; Vol. 435, c. 1091W.]

I therefore have a simple question: could the Minister define what he meant by value for money? I would be grateful if he could tell us today how he arrived at the statement that he gave. I say that especially because, having read various medical journals over the summer, including the magazine of the Society and College of Radiographers—that is how sad I am—I saw that the managing director of Alliance Medical had said:

"At the time the contract was awarded, there was an NHS reference price of around £330 per scan."

If he can announce that in a national publication, why can the Minister not give the information to me, as an elected Member of Parliament?

It also appears that the Department of Health does not have much information about the impact that Alliance Medical has had on the scanning waiting lists. In a written answer on 21 July to a question asking how much Alliance Medical has reduced waiting times in the Durham and Darlington trust area, I was told that the information is not held centrally. That was a surprise to me, because I read an article in *The Guardian* by my right hon. Friend the Secretary of State for Health that stated that waiting times for scans, in Barnsley of all places, had been reduced substantially.

It transpires—I have been digging—that the figures in the article were, to quote from another written answer,

"based on reliable information provided by Alliance Medical Ltd." —[*Official Report*, 21 July 2005; Vol. 436, c. 2178W.]

I am disappointed that such reliable evidence was not available for my area, either through the Department of Health or Alliance Medical.

I shall turn briefly to the performance of Alliance Medical. I was unable to determine how it was performing in meeting the obligations of the contract. I was told in a written answer that the contract

"is monitored weekly, quarterly and annually".—[*Official Report*, 5 July 2005; Vol. 436, c. 342W.]

I was then told on 21 July that the annual review was taking place in July and that if a decision could be published consistent with commercial confidentiality, that would take place later. I am still waiting for that report to be published.

The House will also be interested to know that an article in the *Health Service Journal* in August spoke of how 70,000 scans had not been carried out by Alliance Medical, meaning that only 62,000 had been carried out. Alliance Medical has been operating at less than half its capacity under its contract with the Department of Health.

On more than one occasion I have had cause to wonder whether the Department of Health is in possession of the facts. The conclusion that I have come to is that it is clearly not. In an oral answer to a question that I asked in the House on 12 July, my right hon. Friend the Secretary of State made great play of the Government's desire to reduce waiting times. She said:

"We need both to reduce the unacceptable waiting times for scans and to meet our target of a maximum of 18 weeks from GP referral to hospital treatment by 2008."—[*Official Report*, 12 July 2005; Vol. 436, c. 685.]

However, when I asked how many trusts were meeting the target of no more than 18 weeks' wait from GP referral, the Under-Secretary of State for Health, the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), replied:

"We do not currently collect information on the length of time from GP referral to start of treatment".—[*Official Report*, 5 October 2005; Vol. 436, c. 2843.]

How can we make statements about the efficiency of a contract if the Department is not collecting the information?

I have lost count of the number of replies that I have had from the Department of Health—all hon. Members will have experienced this—telling me that the information is not held centrally. How can we then monitor the contract with Alliance Medical? In these days of data sharing and communication between trusts, surely the Department of Health should be able to provide such basic information.

There is the issue of how the contract is undermining the NHS. Although it is obvious that the NHS is undermined when money that could have been used to reduce NHS waiting times goes to a private sector company, I am also concerned that the NHS is being undermined in two other ways. In signing up to the contract, Alliance Medical had to agree not to employ staff who had worked in the NHS over the previous six

months. I believe that that is right. However, I am not convinced that any systems prevent that from happening.

In answer to another written question about the way in which the additionality clause is enforced, I was told that staffing is a matter for Alliance Medical. I am concerned that we are relying on the good will of the contractor not to breach the terms of the agreement. It would also appear from another answer that no monitoring system is in place to check whether staff are being poached from the NHS. Even if we assume, however, that staff are not being poached, we should bear in mind something that the Royal College of Nursing has pointed out—that the independent sector treatment centres are not obliged to follow the "Agenda for Change" agreement. I am concerned that the centres are mechanisms for delivering reform in the NHS through a two-tier work force, despite the many assurances from Government that that would not happen.

The operation of the Alliance Medical contract has been a salutary lesson in how not to use the private sector in the health service. None of the three criteria that I set out for assessing the viability of private firms' provision of NHS services has been fulfilled. Did the contract remain true to the founding principles of the NHS? No. People in my constituency were forced to travel 30 miles out of their way to get treatment that could have been provided locally, with the result that the service has not been open to all. It has been open only to those who could get in a car to get there.

Did the arrangement give value for money? It seems, from the replies that I have and the sketchy financial information that is retained in the Department of Health, that that is very unlikely. I have yet to see a scrap of evidence that the arrangement was good value for money. It is even clearer that in some respects the contract is not being adhered to.

Finally, are NHS services being complemented, rather than undermined? Again, I doubt that. Procedures to prevent poaching seem to be non-existent, and while a private firm is paid to provide scans, a pretty good NHS scanner that is less than five years old sits idle in the University hospital of north Durham.

I have said that I am not opposed to the use of the private sector in the NHS, but it should be employed only where it adds value in patient choice or in the service. Clearly, the contract is leading not to more efficiency, but to more inefficiency. Mike Sobanja, the chief executive of Alliance Medical, made a comment that seems to me to sum up what is wrong with the national top-down approach. He said:

"It seems to me a little sad that the centre is not able to create contracts that are really needed by the NHS."

If what I have described is a demonstration of efficiency in the way the NHS will use scanner services, it shows that those losing out are not only taxpayers but my constituents. I hope that I shall receive some answers to the points that I have raised—and that they may be more effective than the hundred-odd written questions that I have tabled.

Mr. David Amess (in the Chair): Order. This is a very well attended debate and I should like to call everyone who wants to speak. The only way to achieve that is if all speeches last 30 seconds, which will not happen. I have therefore decided to give preference to the seven hon. Members who wrote, according to when they wrote. I ask those hon. Members whom I call to bear in mind the circumstances of others. The winding-up speeches will start at 3.30 pm. If we appear to be running out of time, and hon. Members want to contribute, they will have to do so by way of interventions.

2.53 pm

Tony Baldry (Banbury) (Con): The hon. Member for North Durham (Mr. Jones) has done the House a service in obtaining this debate. It is a tragic reflection on the machinery of Government that it takes an hon. Member 100 questions to get some straightforward answers about matters pertaining to institutions and NHS facilities in his constituency.

A similar story unfolded in Oxfordshire, where the ophthalmic treatment centre functions at only about 50 per cent. of capacity, but a block contract has been granted to the private sector as if it were operating at 100 per cent. capacity. All the money that is going to the private sector for operations that the treatment centre does not carry out is money that cannot be spent elsewhere in the NHS in Oxfordshire. In the meantime the excellent work that used to be done at the Oxford eye hospital is undermined.

The NHS in Oxfordshire is in freefall. The strategic health authority tells us that within this year—by March—the Oxfordshire health economy has to save some £35 million, of which £25 million must be saved from the Oxford Radcliffe NHS trust. That is simply not going to happen. There is no way that the trust can save £25 million between now and the out-turn of this year without a draconian slash-and-burn policy, which I am sure that the Minister does not want to see.

On the back of that, the strategic health authority has decided that it will put out the management of the primary care trust to the private sector. This week, I and other hon. Members received a letter from the chief executive of the PCT. A kind of NHS-speak seems to be developing, which is completely incomprehensible to most of us. What on earth does a phrase such as

"increasing the culture of developing choice and plurality in the NHS"

mean? How the hell does putting out the management of a PCT to the private sector increase

"choice and plurality in the NHS"?

Ministers and officials are simply deciding that a particular provider will run the management of a PCT. It is complete gobbledegook.

The strategic health authority proposes to procure the management services of Oxfordshire PCTs, and has made it clear that bids from the private sector will be welcome. On the Order Paper today, there are 16 questions from myself. I shall not detain the House for too long, but I want some assurances from the Minister. First, I want an assurance that if the contract is let to the private sector, we shall not have a situation where I and other hon. Members table questions, to be told that it is all commercial incompetence.

I had a proposal for an accommodation centre for asylum seekers in my constituency, which was to be let to Group 4. Whenever I tabled a question to ask

[Tony Baldry]

Ministers about the contract, I was told that it was commercial incompetence. When I asked about certain matters of liaison with the local community, I was told that that would depend upon the contract. So who is going to draft that contract? Will it make it clear that if the private sector takes over the management of the PCT in Oxfordshire, it will have to be answerable to scrutiny committees of local authorities in the normal way? I do not want the chief executive of Oxfordshire county council to write to Capio or Universal Health, which I understand is run by a former policy adviser at No. 10, asking him to appear before the scrutiny committee of Oxfordshire county council, only to be told, "Terribly sorry. It's not in the contract. We are not obliged to come and answer for what we are doing in procuring the primary care trust in Oxfordshire, because that's not in the contract."

Secondly, I want to know what assessment Ministers have made of the redundancy costs on direct-line managers within existing PCTs that put such matters out to the private sector. Indeed, I should be interested to know what assessment of the effectiveness of the policy Ministers have made, because if a contract for putting out the management of a PCT to the private sector fails, what then are Ministers going to do? Is that not simply a cynical exercise where Ministers realise that the Oxfordshire health economy is in such difficulty that if it fails, they can simply blame the private sector? I should like to know what consultation and authority Ministers have already given to the strategic health authority to let the contract. In the letter to hon. Members, it says that there will be "a rapid appointment", which is hardly consistent with proper consultation.

Indeed, the Minister will not be surprised that bodies such as the Royal College of Nursing, and other royal colleges, are appalled at the way in which the policy is being taken through, and the fact that there has been no consultation. I shall read from a straightforward letter from one of my constituents:

> "As you know, whenever there is a major configuration of services within the NHS, there is a duty on them to publicly consult, usually for a period of three months. To date there has been no consultation with the public, staff or trade unions locally. Whilst Thames Valley Health Authority plans to consult later this year on the boundaries of the new PCTs, Health Authority and Ambulance Trust, they do not plan to include the management arrangement within this consultation."

That is from a member of the Royal College of Nursing. It is appalling that staff have not been consulted. The strategic health authority says that there has been

> "informal discussion with key local stakeholders".

I have yet to find anyone with whom there has been discussion, either informal or otherwise. That is craziness.

I realise that many hon. Members wish to speak, so I shall ask the Minister one simple question, and I hope that it will be supported by the hon. Member for Oxford, West and Abingdon (Dr. Harris). Will the Minister undertake to come to Oxfordshire in the next two or three months to meet its six Members of Parliament to discuss the Oxfordshire health economy in general and specifically the proposal to put to private tender the management of the PCT for the whole of Oxfordshire? As far as I am aware, it is the only PCT in the country where the proposal has been made. It seems to have been drawn up on the back of a fag packet somewhere in the strategic health authority, probably in consultation with some unit of which we have never heard in the Cabinet Office or No. 10, as being a whizzo idea, but it requires a sensible discussion and the six Members of Parliament for Oxfordshire want to be engaged in that discussion.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I endorse everything that the hon. Gentleman said, and through him ask why it is felt that the proposal has anything to do with competition or contestability. There will not be competition. Will not there be a huge vested interest if BUPA runs the commissioning in Oxfordshire on whom it buys from? Which private company will offer its prices to executives from BUPA or United Health? Yes, the proposal is radical—radically stupid.

Tony Baldry: My colleague makes a perfectly sensible point. There is a legion of policy questions that need to be considered and properly answered. The idea that the strategic health authority will make a "rapid appointment" of a team to run the PCT in the way proposed is appalling. It is an appalling use of the machinery and the process of government when the Oxfordshire health economy is already in freefall and when substantial cuts will almost certainly have to be made.

I ask the Minister to ensure that his private office digs out all the papers on the issue and puts them in his Box. I hope then that his diary secretary will get in touch with us and arrange a time when the Minister can talk to us, as perfectly intelligent Members of Parliament, about the policy implications. The hon. Member for North Durham has the opportunity of being in the same Division Lobby as the Minister and still has to table questions.

Mr. Jones: Not always.

Tony Baldry: The hon. Gentleman says, sotto voce, not always. If the Minister is not prepared to meet us as Oxfordshire Members, we will simply hound him around the corridors of Westminster until we get answers to these very basic questions.

3.2 pm

Mr. Paul Truswell (Pudsey) (Lab): I, too, congratulate my hon. Friend the Member for North Durham (Mr. Jones) on securing this important debate. I shall try not to take nine minutes for my speech like the hon. Member for Banbury (Tony Baldry).

Like many on the Labour Benches, I am a zealous supporter of the NHS. I believe that as far as possible all its services should be provided by NHS staff and facilities. However, I recognise that in 1997 we inherited a situation in which the capacity of the NHS had been diminished. By and large, my constituents want to be treated quickly, effectively and as close to home as possible. Like many Labour Members, I accepted that there was a case in the short term for exploiting the surplus capacity—I stress surplus—in the private sector at marginal cost, but we have gone far beyond that.

There has been a ten fold increase in the amount of NHS-funded care provided by the private sector. I shall focus on one practical example of how the proposed second-wave independent sector treatment centre for West Yorkshire might adversely affect the NHS in Leeds, and therefore my constituents.

We have an acute trust that has suffered from a chronic deficit for many years; it is attempting to address that challenge. That is not to say that there have not been major improvements since 1997. We have 850 more nurses, 125 more consultants and180 new junior doctors, and waiting times and waiting lists have fallen appreciably. However, these enormous gains are often overshadowed by the short-term measures that are necessary to address the deficit.

The advent of independent sector treatment centres has provided some short-term gains in terms of reducing waiting lists and times, but we appear to be moving into an era where the private sector is simply being grown for its own sake, as my hon. Friend has already suggested. The goalposts have been moved; they have been widened as a target for the private sector and narrowed as a target for the NHS.

I understand that the Department of Health carried out an assessment of contestability in West Yorkshire and has concluded that we need more of it. Will the Minister comment on that? We already have contestability in Leeds. The Leeds PCTs are commissioning more activity from outside the Leeds acute trust than ever before, which represents a £14 million reduction in that trust's income.

The Secretary of State has approved a strategic outline case for a new children and maternity hospital, to be built at St. James's hospital in Leeds. That is a very welcome and long-overdue move, but its progress depends on the trust being able to put together a successful outline business case. The trust therefore obviously needs to maximise its income. It has made allowances for the loss of commissioning from the local PCTs and for the proposed second-wave treatment centre, but there will be real concerns if its income diminishes further.

I was very concerned to discover that the proposed second-wave treatment centre for West Yorkshire is to have a guaranteed minimum income of £45 million, underwritten for each of its first five years. Where is the contestability in that?

Jon Trickett (Hemsworth) (Lab): Like my hon. Friend, I am a West Yorkshire MP. Have health service officials told him, as they have told me, that although the Department has said that there is a need for more contestability in West Yorkshire, there is no evidence for that statement, which is simply dogmatic? Does he therefore conclude that the argument is driven by dogma from the centre rather than by reality on the ground?

Mr. Truswell: I am a charitable individual, and I understand my hon. Friend's interpretation, but I did start by saying that I understand that there has been an assessment. Otherwise, I agree that the argument is based purely on dogma.

As I said, the £45 million, which is underwritten for each of its first five years, is £20 million more than the figure given in the earlier proposal, which incidentally the trust supported on the basis that it was intended to help the delivery of the 18-week access targets by 2008. One is bound to ask where the money for that underwriting is coming from, and, again, how that relates to contestability. Ironically, it now appears that the treatment centre will not be available until after 2008, so that any extra capacity that it provides will not contribute to achieving access targets by 2008.

The trust has also been asked which specialties that it currently provides might be transferred to the new independent sector treatment centre. Transferred work, of course, does not represent an increase in capacity. It goes without saying that to acquiesce would be suicidal for the trust.

The trust must retain and maximise its income in order to address its deficit and to compile a robust outline business case for the children's hospital. When a hospital loses patients, the drop in its income will generally be greater than its drop in expenditure because of the national tariff process.

I conclude my remarks with these few comments. I leave it to other colleagues to paint the wider picture of concerns about the promotion of the private sector, but I share their fears, which I am sure more of them will express, that it will leave the NHS with the most costly and complex cases and emergency work, that it will lead to higher cost, that it will divert staff and distort work force planning, that it will redistribute existing work loads rather than increase capacity, and that ultimately it will reduce choice by threatening existing providers, such as the Leeds acute trust. That is without even mentioning the current proposals for PCTs.

Ideally, therefore, the impact of this drive towards the private sector and its longer-term effects should be properly evaluated, and the first wave should be properly assessed before we move to the second. If Ministers are not inclined to do that, at least the potentially damaging aspects of the initiative, which I have tried to tease out today, should be fully explored.

3.9 pm

Kelvin Hopkins (Luton, North) (Lab): I am delighted to contribute to the debate, and I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on raising such an important issue, which has become very hot this week.

Some months ago, I asked my right hon. Friend the Prime Minister about MRI scanners at Luton and Dunstable hospital. A certain amount of sand was thrown in my face, but there were no adequate answers. Those scanners have come on-stream this week, but there is no funding for radiographers to operate the second scanner. The first scanner replaced an old scanner, and the second scanner was new. The Government had been encouraging hospitals to increase their scanner capacity, and we are still decades behind many other developed countries. I think that Britain is at the bottom of the league table for numbers of scanners compared with other developed countries, so we need additional capacity.

Luton and Dunstable hospital has provided just that. However, money was not set aside for radiographers; it was earmarked for a mobile private scanner at the hospitals in Stevenage and Bedford. That scanner is literally on the back of a lorry. It is not a good service

[Kelvin Hopkins]

and it has been featured on television as such. Patients and funding have been guaranteed, but the service is so poor that patients are often referred back to Luton and Dunstable hospital because the quality of scanning required cannot be provided. That is not a market; it is ideologically driven, to force public money into private pockets at the expense of quality public provision.

I raised the matter with a Health Minister. I will not mention the Minister's name, because that would be too embarrassing. I questioned the Minister at length on why that had been done in Luton and why it is being done elsewhere in the country, and after every single answer had been broken down, the only answer was, "Well, people might be able to take advantage of moonlighting staff." In other words, the Government want to persuade a few NHS staff to do a bit of extra overtime in the evenings without telling the hospital that they are doing it.

Helen Jones: Does my hon. Friend agree that the problems of dealing with staff will become more acute with the second wave of independent sector treatment centres, because the Government will relax the restrictions on those companies taking on NHS staff? That does not increase capacity one iota.

Kelvin Hopkins: Absolutely. I thank my hon. Friend for her very helpful intervention.

My local primary care trust has done a tremendous job in dealing with serious health problems in the locality. Luton has a degree of deprivation in certain areas, particularly affecting some of our minority populations, but the PCT has become a specialist at targeting such health problems. If the PCT is broken up and merged with others, we will lose that specialism; it will be dissolved into surrounding areas, which are quite different from Luton.

Setting that to one side, however, the PCT has done a tremendous job in two respects. First, it has established a walk-in centre in the town centre, which has been a fantastic success. It sees 50,000 patients a year. There has been a shortage of GPs, which we were not able to address, but that facility is making up the gap. That is public enterprise and it is a real success. The PCT has also set up a treatment centre with qualified nurse practitioners, who take some of the burden off the accident and emergency department at the local hospital. It also has outreach programmes to do advanced primary care in the community. It is doing a fantastic job. The PCT has recruited 28 skilled nurses from outside the town.

That additional capacity is all in the public sector and everything is done brilliantly. That is exactly what the Government said they wanted in the "Choosing Health" White Paper. The PCT is doing a tremendous job in difficult circumstances. It was even, until recently, able to overcome its financial difficulties, despite being £10 million a year below its fair funding target. It has had problems this year, along with many other PCTs throughout the country.

However, the PCT will be forced to privatise those services, as well as all the other traditional services that it provides, because it will not be permitted to provide direct services. Not only will the services be lost to the private sector; we must ask whether the private sector will be interested in dealing with poor people with difficult diseases and old people. I think not. It will be interested in what is profitable, and what is profitable is not necessarily what is needed.

I asked my right hon. Friend the Prime Minister another question last week about Balfour Beatty, a private sector company that took over public sector work and has just been fined £10 million for negligence. I believe that it should have been prosecuted for corporate manslaughter, but we do not have a law governing that yet. That private culture will be inflicted on the health service as well as on our railways. That is wrong and should be reversed.

We have had a brief debate so far. I will not say much more, although I could do. I am concerned about the impact on my constituents in Luton and, in particular, on the poor people of Luton who have serious health problems. They will suffer. We are rapidly moving towards the US system of health, whereby 40 million people have no health cover at all. When New Orleans was flooded, it took six days to get a single doctor into the city. That is what we are moving towards. I want a public health service that is committed to serving everyone at the point of need, whoever they are and whatever their circumstances.

I have just attended and spoken at a meeting of ASLEF and I learned a new term for something that is particularly mad. ASLEF talks about something being "Dagenham, East"—two stops past Barking.

3.14 pm

Dr. Richard Taylor (Wyre Forest) (Ind): I, too, congratulate the hon. Member for North Durham (Mr. Jones) on his forensic exposure of so much that is wrong with the Government's rush into the extra use of the private sector.

I shall speak for a few minutes on the importance of the level playing field, which has been mentioned many times already. Back in the 1980s, when domestic services were privatised, the staff in my hospital were persuaded to put in a bid. It was a level playing field and the staff won. On a level playing field, I believe that the best of the NHS could win every time.

I want to draw to the attention of the House some of the snags of the independent sector treatment centres, in addition to excess cost, which has already been mentioned. Those issues have been raised with me by the previous president of the British Orthopaedic Association. Some of those concerns were addressed in my Adjournment debate in June, but many of them were not.

I shall speak first about accreditation. Accreditation in some countries in Europe is not of the same standard as that in the UK, where surgeons are accredited to have full responsibility. Consultant appointments under the NHS are made by committees with Royal College and university representatives and, if there is no suitable appointee, no appointment is made. Professional recruitment agencies, when recruiting for the independent sector treatment centres, virtually have to make an appointment, and they seek surgeons from countries where they may be paid a mere £10,000. The attraction of the UK is that surgeons can earn £70,000, and so we are robbing other countries.

There are still no specific arrangements for the handling of complications. Should they be handled by the NHS? Who will deal with complications that occur in the independent treatment centres? In January, the British Orthopaedic Association sent a large dossier to the Department of Health, raising problems of process. *That has been partially answered.* More recently, it has sent a more important dossier of patient complaints about the independent sector treatment centres, but as yet has had no response.

The major issues of training and tariffs have been mentioned. I understand that some specialist hospitals fear that they could lose their training recognition if there are reductions in training opportunities,

The Government claim that independent sector treatment centres are largely responsible for the improvement in waiting lists. That claim must be challenged. I have tabled a parliamentary question to try to confirm what I was told by an ophthalmic surgeon just a few days ago: that in 2003–04 the NHS performed more than 300,000 cataract operations, due to huge efforts from NHS doctors and nurses. The mobile independent sector ophthalmic provider, since it started about two years ago, has undertaken between 10,000 and 14,000 cataract operations. It has not really had the chance to make that much difference.

I believe that, if there were a level playing field and it came down to competition, the NHS could compete. However, I am passionately opposed to any form of competition in health care, and to the purchaser-provider split, which I believe did a vast amount of damage.

I am encouraged that so much resistance is being demonstrated this afternoon to the Government's rush to privatisation, which I think would be a disaster.

3.19 pm

Tony Lloyd (Manchester, Central) (Lab): I am sure that my hon. Friend the Minister is delighted today to be surrounded by his hon. Friends. I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on securing the debate. He has done a great service, because this issue has touched a deep and raw nerve among hon. Members on both sides of the political divide.

I shall try to be brief, and I shall reiterate some of the points that have been made, but in relation to the Greater Manchester surgical centre. Like others, I am passionately committed to the concept of a public sector national health service, and think that it has served the nation well. The ideological arguments for it are sound, but those for the intrusion of the private sector have been neither well made nor properly researched or established. That concerns me because what is happening is an ideological move mainly by stealth. The Greater Manchester surgical centre is an example of that.

When the idea of the surgical centre was first mooted, there was no public consultation with Members of Parliament or any proper consultation with the referential public bodies involved with health. The primary care trusts in Greater Manchester were effectively dragooned into playing a part—some were acquiescent and some were resistant. Hon. Members will understand that because of micro-politics in the health service, information was not always placed in the public domain. Therefore, debate about the surgical centre was low key. At no point was any public justification or explanation given as to why that capacity was needed in Greater Manchester when existing hospitals could provide for the needs of local communities effectively. Indeed, had the investment from public money that went into the surgical centre been available to the health service, it is certain that we would have significantly improved the capacity and competence of those national health service operators.

The main issue that I want the Minister to address today is that of contracts. Will he tell us which complete imbecile drew up the contracts governing the surgical centre? It might be invidious if Ministers were to name names, but questions must be raised about the competence of the people who draft contracts for the national health service.

The contract for the surgical centre not only pays over the odds relative to the cost of treatment elsewhere, but gives a guaranteed minimum price to the surgical centre, which receives that money whether it performs the operations or not. That means that the national health service will spend about £1.4 million on operations that have not been performed in the surgical centre, because there are not the patients. Who in their right mind would draw up a contract that is so open-ended and unfair to the public and so massively favourable to a private sector provider? If present trends continue, the surgical centre will, in a year of operation, cost the national health service, and therefore the public, £6 million. One might say that that is a trivial amount in the grand scheme of the health service budget, but about 40 per cent. of the value of that contract is being poured down the grid. That is unacceptable.

Hon. Members will have different views on the role of the private sector. I would sooner that that role were narrow, constrained and more tightly controlled than in the example that I have given, but I know that the surgical centre, now that it exists, will be offered protection into the future. The consequence of that, in an area where there simply is not the demand for those services, will be the erosion of services in our hospitals, which means cutting back the public national health service to defend the private sector. That is simply intolerable.

3.24 pm

Lynda Waltho (Stourbridge) (Lab): I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on securing this debate, and I welcome the fact that he is not ideologically opposed to private involvement if it passes the founding-principles test.

When I first saw the subject of the debate, I was concerned that it would be along the lines of "all private, bad; all public, good." Stourbridge is served by Dudley South primary care trust. For some years, the private sector has successfully provided it with counselling services. It provides young people with drug counselling and help with sexual problems at The What Centre. Private physiotherapy treatment has also been successful.

A more important example is that of audiology. I know that many areas have problems employing audiologists, but Dudley South PCT has brought in the private sector to help reduce waiting lists. The average

[Lynda Waltho]

waiting time was about 18 months. I know that it is higher in some parts of the country, but Dudley South PCT recruited additional audiology professionals to help. It has also set up night clinics, as well as making a contract with the private provider Ultravox which successfully assists with services that are already provided.

People wanting an audiology appointment need an average of three appointments. First, the ear is moulded; a fitting appointment is necessary; and a further appointment is often needed. The contract, which was set up after a bid in July 2004, has been overseen by the Royal National Institute for Deaf People.

The modernising health service programme has been important in the Dudley South PCT. I am a new MP, and I have dealt with only a few audiology surgery cases, but I can see what a difference the programme is making in my constituency. I am concerned that we do not throw the baby out with the bathwater. It is important that we do not reject services simply because they are private. In my constituency, the programme is making a difference, although I accept that that may not be the case elsewhere.

Jon Trickett: I am listening carefully to my hon. Friend, but does she agree that the private sector should not be deployed if that occurs at the expense of existing NHS provision, as we have heard happens elsewhere in the country?

Lynda Waltho: It should not be at the expense of the national health service, and I am sorry if I gave that impression. In my experience of the Dudley South PCT, however, it is not being done at the expense of the NHS; it is helping to solve problems. The main fact that I want to get across is that it has been helpful.

I have not yet dealt with scanners and other problems, but the provision that I have mentioned has certainly helped in the surgery cases that I have dealt with. The proof is that my constituents tell me, "Thanks for flagging it up. Thanks for pointing me to that service. I have an appointment." For me, it has worked. I am less experienced than my colleagues, but I speak from my experience.

My constituents have benefited also from the hospice movement. Acorns children's hospice is based at Selly Oak in Birmingham, but it serves my constituency and south Birmingham and the black country area. That, too, is in the voluntary sector, but it is in danger of being lumped into the "private, bad" group, which is not the case. In fact, it gives such a brilliant service that it has helped almost 2,000 families in the past 16 years.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): The hospice movement might be a private sector provider, but does my hon. Friend agree that we should consider with care the perversity that a private sector provider such as that mentioned by my hon. Friend the Member for North Durham (Mr. Jones) is getting money for old rope—although I would not, of course, use such an expression—whereas a hospice such as Treetops in my constituency, which gets no funding from the NHS, loses out despite the fact that many think that its services should be funded through the NHS?

Lynda Waltho: Absolutely. I agree with my hon. Friend, and I know that Treetops does as good a job in his constituency as Acorns does in mine. When I visited Acorns and spoke to the chief executive, I learned that it receives less than 10 per cent. of its money from the health service. It costs some £4,500 per day to fund the excellent services that it provides. They include jacuzzis; hydrotherapy; bedrooms designed for life-limited children, as they are called; facilities in bedrooms to assist with moving children from their wheelchairs into bed and so on; and a respite service for families. It also provides care after death, in that it has bedrooms, which are cold, where residents and family members can go to say goodbye to the child. That is a brilliant facility compared with a mortuary. Those services are brilliant, and more than 90 per cent. of the funds are provided by fundraising. That long answer is my way of saying, "Yes, I agree."

It is perverse that money is provided for old rope at one end of the scale, yet at the other end brilliant services such as those provided by the child hospice movement are desperate for the funds with which they could extend their help to thousands more families. In my limited experience since becoming an MP in May, I have seen good private provision. I acknowledge that I am at the beginning of my career, and I might yet see the other side, but that needed to be said.

Several hon. Members *rose—*

Mr. David Amess (in the Chair): Order. I apologise to all those whom I have not been able to call. Perhaps the Minister will be generous to colleagues.

3.33 pm

Steve Webb (Northavon) (LD): I, too, begin by congratulating the hon. Member for North Durham (Mr. Jones) on a superbly begun debate. The very large attendance at a debate in which not everybody knew that they would be able to speak is indicative of the importance of the subject. That is one reason that the Government should have initiated the debate—at far greater length, and in Government time. Another is that, as has been said, a major reform of the primary care trust system was slipped out at the end of July when we had all left for the summer recess, and that has not been debated properly in the House. A great deal of rapid change is taking place in the heath service, and it is our job to scrutinise it. The Government should facilitate that process, rather than relying on the issues being brought before the House by energetic Back Benchers such as the hon. Gentleman, who has done us a great service.

I start where the hon. Member for North Durham started—by saying that we are not saying today, "Private bad, public good." Rather, we are concerned that there are those who might say the contrary, "Public bad, private good," and that the pendulum has swung too far. I agree with the hon. Member for Stourbridge (Lynda Waltho) that we should have no problem with the idea that some high-quality health care should and

can be delivered by people who are not direct employees of the NHS. I had already written "hospices" on my notes before she spoke. She also mentioned counselling, and many of us encounter people who receive good-quality care in private nursing homes. If it were so important to us that staff be strictly employees of the NHS, not many of us would ever visit a GP or a dentist. It is not simply a matter of being employed by the NHS.

If the private sector is to have a part to play in the NHS, it must pass a number of tests, several of which have been mentioned. We have ended up with about six. I shall clarify the key tests. We must start with accountability. For me and for many of my constituents—I am sure that it is the same for many hon. Members—accountability in the NHS seems to be diminishing. We are told that we cannot find out about so much of what goes on because it is commercially confidential, and that we cannot challenge decisions. If we ask in the House about certain decisions, we are told that they have been made by the trust. If we ask the trust, we cannot get rid of its management. Where is the accountability? If the private sector were more extensively involved, what would that mean for accountability?

My hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) made a powerful point when he referred to the contracting out of commissioning in Oxfordshire. As the hon. Member for Banbury (Tony Baldry) rightly said, what would that mean for accountability? This week, Nigel Edwards of the NHS Confederation argued that the NHS not doing health commissioning was a little like British Airways saying that its core business is air miles and that the running of planes was too difficult for it. Why does the NHS exist, if not to determine dramatically the provision of health services? If we are to go down that route, why have an NHS at all? We have not received an answer to that question.

If the private sector is to be involved in the NHS, it must be competitive on the basis of costs. However, as we have heard, it has been given a favourable deal on cost in too many cases. It has been given guaranteed business. There is an irony in the way in which the Government use the rhetoric of the market and the drive up in standards by fierce competition, but then mollycoddle the private sector with guaranteed contracts and prices. How does the giving of subsidies to generate a market constitute fair competition and a level playing field? Hon. Members must make no mistake. That is what is happening. The Government are determined that there shall be a market; unaided, the private sector will not enter it. It has to have its hand held. The Government's determination to form a market is creating unfairness.

The hon. Member for Banbury and others asked how we specify a contract. That is essential. If the contract were not specified correctly, the private sector provider would cherry pick and choose the cheapest cases. As the hon. Member for Warrington, North (Helen Jones) said, private sector providers will not undertake training unless they were required to do so under the contract. Sometimes the answer can be, "Well, we can deal with that. We shall draw up better contacts", but the world moves on. Life changes. In effect, a contract can be rewritten if it was in respect of an organisation in the public sector. It can be asked to do something different, because the world is different. However, if a contract were drawn up five or 10 years ago, it would be difficult and expensive to change. Will the private sector be as responsive as the public sector when the world changes? I fear not.

What about quality? Clearly, if the private sector is to provide NHS services, the quality must be as good. There is no reason to suppose a priori that it will not be, but there might be a danger of it not being as good. The hon. Member for Wyre Forest (Dr. Taylor) referred to accreditation. NHS provider services and NHS employees go through a process of accreditation. However, when services are contracted out—possibly using overseas staff—can we be confident that all the medical staff involved will be of the same quality? So far, I do not think so.

What about scanners? Over the summer, I visited several hospital trusts. I heard about a mobile scanner unit in a car park that had two problems: first, people had to go up three steps to get into the unit. People who were sick could not access it. Secondly, because it was a mobile scanner, it was not as big as the regular scanner and, thus, tall people could not access it. Essentially, it was a scanner for short, healthy people. I have nothing against short, healthy people per se, but I do not think that they are a priority of the NHS.

Alliance Medical has a contract, yet the Government have been so determined to avoid embarrassment that they said to the NHS, "If you use an Alliance Medical scan, you can have it for free. We shall not compel you to use the scan. You can choose someone else. If you want to pay the price, that's fine, but the service will be free from Alliance Medical." I wonder which company would be chosen in those circumstances. Is that good value for money for the taxpayer?

We must bear in mind that getting the private sector in the NHS on a subsidised basis will generate a market, and that means gainers and losers. The losers might be in the NHS, if that is not properly protected. As the hon. Member for North Durham said, what will be the impact of such issues on the core NHS, the NHS ethos and on the universal public service that we want? We do not know what the transition mechanisms are. The NHS needs keyhole surgery, but it is getting amputation. One department will close and then another; the unit cost to the rest of the hospital will be too high, so it will not be able to compete and it will go. Is that the transition mechanism? What will happen? We have not been told.

As has been said, this process is driven by dogma. The funny thing is that one might have imagined from the title of our debate that the dogma would come from the person who sought it, but it has not, because the hon. Member for North Durham has said that he is willing to consider private sector involvement. The dogma is coming from the Government, who are in a desperate rush to get the market in because the Prime Minister wants a legacy before he retires.

3.40 pm

Mr. John Baron (Billericay) (Con): I, too, congratulate the hon. Member for North Durham (Mr. Jones) on securing this important debate. I also congratulate other hon. Members, who have made important contributions. I am delighted to hear that the hon. Member for Northavon (Steve Webb) has nothing against short, healthy people or tall, healthy people.

[Mr. John Baron]

It will be interesting to hear the Minister's response to the series of questions that he has been asked. I hope that he will pay more attention to the views of his colleagues in the House than the Secretary of State did to ordinary Labour party members when the vote on this important issue was held at the conference in Brighton.

Conservative Members welcome the fact that the Government are talking much more about the need to introduce patient choice. However, choice is a meaningless term if we do not have spare capacity. That is where the private sector will become increasingly important in delivering NHS services.

The Government have issued some statistics regarding their intentions. About £3 billion will be spent over the next five years to pay for about 1.7 million operations in the private sector, mostly via independent treatment centres, as we have heard. Conservative Members believe that the private sector could play a much greater role for the benefit of the NHS and that the Government's approach is not the way to proceed; indeed, it is fundamentally flawed. In essence, they are block-booking capacity and deciding where capacity will be needed. That runs the severe risk not only of being inefficient, but of ignoring what patients want and need.

The example given by the hon. Member for North Durham clearly illustrates the point. The chief executive of a university hospital is claiming that the Government have contracted out MRI scans despite the fact that his own scanner was "considerably underemployed" and that he could practically have eliminated waiting lists if he had been given the cash instead. That is complete nonsense; it is not how the system should be working.

As we have heard from several Members, another problem is that the evidence suggests that the Government's approach is more costly. I commend the hon. Member for North Durham on his tenacity in extracting answers from the Government, and according to a recent parliamentary answer to a question from one of his colleagues,

"it is estimated that procedures purchased under the ISTC programme cost on average 9 per cent. more than the national health service equivalent cost".—[*Official Report*, 16 March 2005; Vol. 432, c. 273W.]

As several hon. Members have said, the Government's nationally agreed targets with the private sector have been poorly drawn up and have resulted in valuable NHS resources lying idle. The contract with Alliance Medical is one such example.

To create downward pressure on prices in the private sector and encourage more competition, the Government need to create a right to supply the NHS. Otherwise, the result will be exactly what we have at the moment—private companies selected by the Government continuing to be paid to cherry pick easy operations from the NHS. That is not the right way to proceed—it is neither sustainable nor sensible. It also risks antagonising staff and alienating them from the private sector and the benefits that it has to offer.

Kelvin Hopkins: Will the hon. Gentleman give way?

Mr. Baron: I shall make some progress because I want to ensure that I give the Minister plenty of time. If there is time at the end of my speech, however, I will take the hon. Gentleman's intervention.

The Government are wedding themselves to a particular approach and are reluctant to relinquish control from the centre. That is why the NHS has not made the progress that it should have done in recent years. It would be churlish not to accept that some progress has been made, but despite a 70 per cent. real-terms increase in funding, average waiting times have lengthened by five days—that is the Department of Health figure—and the number of hospital treatments has risen by only 5 per cent., despite the hard work of NHS staff.

The Conservative approach to the private sector is in complete contrast to the Government's, and I know that it will not find wide acceptance in this place. Under our right to choose policy, the decision to involve the private sector would ultimately be made not by the Government or the primary care trust, but by patients and GPs. Our right to choose policies would allow any patient to go to any hospital, free of charge, that can perform the operation at the NHS cost. Such a policy would iron out the great variations that exist in the provision of NHS health care at present. One example of that was brought out last year by the Dr. Foster medical research company which showed that patients had to wait 390 days for a hip replacement at Norwich university hospital yet at Basildon and Thurrock University Hospitals NHS Foundation Trust, which is only 90 miles away, the wait was less than half that at 182 days.

By empowering patients in this way, resources will find their way to where they are most needed. Such a policy would also allow patients to go to private hospitals if they met NHS costs and standards. This policy would send out a clear signal to the private sector to increase capacity. For too long the private sector has been used by the NHS simply as an "overspill" facility. This does not encourage long-term sustained investment. That needs to change. On the continent, the private sector plays a much greater role in the provision of health care than it does here, but nobody grumbles about it because there are very few waiting lists. The patient benefits.

Stockholm in Sweden is a good example of what happens when a genuine choice programme is introduced. In the early 1990s, centrally allocated budgets were put to one side and payment by activity was introduced, enabling patients to take their budget to any hospital that could provide their care for that price. What was seen over a relatively short period was a major mushrooming in the number of care providers coming into the market and competing for patients. With more than 200 new care providers set up since 1992, there are very few queues in Stockholm to this day.

I take this opportunity to raise briefly with the Minister two other important issues that have been alluded to by other hon. Members. The first is the document "Commissioning a Patient-led NHS", which proposes a shift in role for PCTs from providing to purchasing. That announcement has created great uncertainty and confusion among NHS staff. Many hon. Members have referred to the lack of consultation on this issue. Many staff are unsure as to what will happen to them. In my constituency they are unsure whether they are to become independent providers

themselves, work for a private or voluntary company, or join foundation hospitals and sell their services back to the PCT.

Will the Minister provide clarification by saying what proportion of health professionals will cease to be employed directly by the trusts? What exactly will happen to community nurses? Will they be required to join private companies? Will chiropodists be expected to set up private practices like dentists? Will the NHS staff no longer employed directly by trusts still benefit from the pay and conditions of "Agenda for Change"? Will the Minister take this opportunity to explain why such a major proposal affecting so many staff, and which includes both PCT reconfiguration and the outsourcing of provider functions, was launched by a simple letter from Sir Nigel Crisp to local trusts? Surely a more detailed paper produced by Ministers was warranted when we are considering such an important issue.

Mention should also be made at this point of the 17.5 million people who suffer from long-term medical conditions. The Government's approach of block booking reflects their thinking, as it does when it comes to targets in that it is focused almost exclusively on the acute sector. Once again, those suffering from long-term medical conditions are being neglected because of the Government's focus on what they perceive to be politically sensitive medical conditions. That has to be wrong. What will the Government do to put this bias right within the health care system?

I have one other question for the Minister. Social care is being neglected in areas such as rehabilitation services for the visually impaired, where local authorities are struggling to meet their responsibilities. According to the Guide Dogs for the Blind Association, 20 per cent. of local authorities are not providing any services at all. There is much scope for outsourcing some of the responsibility to charities and the private sector. Greater use of direct payments will help that, and I hope that the Minister will ensure that such a system will eventually realise its full potential for all concerned.

In conclusion, there is a fundamental contradiction at the heart of the Government's thinking. On the one hand, they are moving closer to our view that patients should be given genuine choice. However, on the other—perhaps because of dogma, as has been mentioned—they are clinging on to their old policy of centrally deciding where the extra capacity should be placed. That muddled thinking is causing confusion, not least among NHS staff, and, most importantly, it will not service the patient well. I therefore ask the Minister to directly address the questions he has been asked.

3.50 pm

The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne): I am grateful for the opportunity to discuss these matters this afternoon. Of the 10 minutes that I have, I will spend about half responding directly to the concerns raised by my hon. Friend the Member for North Durham (Mr. Jones). I will then try to cover the other points. Where I fail to do so, I will write to hon. Members.

This afternoon reminds me of when I got to my feet to make my maiden speech, and the Whips surrounded me with my hon. Friends. A voice from across the Chamber said, "What are you doing surrounding him?" Someone else said, "We are just keeping him warm." I feel in good company and very warm this afternoon.

My hon. Friend has been assiduous in his investigation of the matter. Indeed, rarely has an evening gone by when I have not signed another parliamentary answer, drafted by my noble Friend, Lord Warner, in response to another line of inquiry. After such a long and tantalising build-up, it is satisfying to have the full consummation of an hour and a half's debate. If my wife allowed me to smoke, I would ask my hon. Friend to share a cigarette if not a cigar with me when we are finished.

The truth is that this debate and the matter raised by my hon. Friend are important not only because they affect the health and well-being of his constituents but because they touch on a much broader issue of national significance: how the Government will fulfil their big promise to the country in May to cut the waiting time for treatment from the scandal of 18 months—which we inherited in 1997—to just 18 weeks. When we were elected in 1997, waiting lists contained more than 1 million patients. Waiting times were out of control. Many people waited 18 months, but unacceptable waits were another part of life for many patients—long waits to see a consultant and in accident and emergency, and longer waits still for a GP. Thanks to our extra investment, our changes to the system and a lot of hard work from NHS staff, that is beginning to change.

Mr. Baron: Will the Minister give way?

Mr. Byrne: No, I will not.

NHS staff must never and will never by this Minister be labelled a producer interest. They have been instrumental in creating a Britain in which waiting lists have fallen. If we take the constituency of my hon. Friend the Member for North Durham as an example, mortality rates have decreased by 13.5 per cent. between 1997 and 2003. That is about a third higher than the national average.

Helen Jones: Will my hon. Friend give way?

Mr. Byrne: I have so many points to cover that I will not give way.

At the heart of the debate and the points raised by my hon. Friend the Member for North Durham is the scanning contract with Alliance Medical. For the benefit of the Chamber, I should explain that under that contract about 65,000 scans have been provided to NHS patients much faster than would otherwise have been the case. My hon. Friend raised concerns about the local scanning facility in his constituency being underutilised and asked a good question about why we do not just give that trust more money to employ more staff and put on extra scanning sessions.

By way of introduction to my five quick points of response, I should say that money is available in PCTs. Questions are often asked about the availability of radiographers, in particular, when the Government have invested and will invest to fund more. My hon. Friend made a non-ideological argument about putting the founding principles of the NHS into action. After an

[Mr. Byrne]

extensive deconstruction of his argument with the Department over the past two or three days, I am able to reply with five points. If I have missed out bits of his analysis, I will write to him afterwards.

First things first. By 2008, if not before, the University hospital of north Durham, in common with all NHS hospitals, will need to use its scanning capacity to the full, either by employing extra staff or by making more effective use of NHS staff. As I said, where there are staff shortages, we shall continue to invest to overcome that.

Secondly—and this will probably make the biggest difference—funding is in the system for delivery of the 18-week target, which, for the first time, includes diagnostics. Durham and Chester-le-Street PLC will have its funding increased by more than £30 million—18.5 per cent.—over the next two years. We cannot reach the 18-week target unless we use the money to ensure that local scanning capacity is used to the full. I know my hon. Friend's methods of persuasion and argument and I am sure that he will help his local PCT to see the logic and wisdom of directing the extra funding into the university trust.

Thirdly—and this may be the coup de grâce—we are introducing a programme called choice of scan, which is a catchy name for something that means that from November, any patients waiting for an MRI scan who do not have a date scheduled within 26 weeks will be offered the choice of going to another provider, with the money following them. I have no doubt about what that will mean in my hon. Friend's constituency, because at the moment, as he says, patients are forced to go to Middlesbrough, but they should have the choice and the chance to go somewhere local, if that is better for them.

Fourthly, we must ensure that we approach the questions with our eyes wide open. Last year, we specifically included diagnostics in our capacity planning exercise. In particular, we asked strategic health authorities two questions: how much MRI scanning do they need to hit the 18-week target and how much of it do they need to obtain from the independent sector? We want to know how much capacity they already have—which they need to use to the full—and what the gap is, representing what they will need to obtain elsewhere.

Finally, my hon. Friend made several reasonable points about answers that he received, suggesting a lack of information centrally. Most importantly, data on waiting times for MRI scans—which have been a particular bugbear for him—are not currently collected centrally, but the Department will introduce such data collection later in the year, to examine the waiting times for some diagnostic tests and procedures.

In the three minutes left to me I shall try to cover some of the more general points that were made. I have nothing further to add about PCT reform to what my right hon. Friend the Secretary of State has talked about.

Paul Farrelly: I wanted to ask about the imposition of commissioning on PCTs. Newcastle-under-Lyme PCT employs scores of community nurses and runs a community hospital, and is already addressing market failure by employing salaried GPs; it will also employ a salaried dentist. What case has been made for possibly removing those functions from PCTs such as the one in my constituency, resulting in demoralisation? The Minister is a management consultant. Prima facie what is better and more efficient—one provider with a good record of managing services directly or a proliferation of organisations managing indirectly through a plethora of contracts and a battery of lawyers?

Mr. Byrne: As my right hon. Friend the Secretary of State has said in the past couple of days, there are two aspects to the question of commissioning in a patient-led NHS. One is the question of ensuring that democratically elected local voices are heard in the debate about reorganisation of boundaries. We shall make sure that that happens. The other is the prime opportunity offered by the primary care White Paper that will be published at the turn of the year to reflect on what hon. Members have said about how primary care services will be provided in the future.

I have only one more minute for my remarks and I recognise that I have not been able to answer many of the points that were raised. I shall be making several visits, including to Manchester, Stoke and Stourbridge, where I shall be happy to deal with detailed issues in more depth with hon. Members.

Debates of this sort are invaluable for ensuring that we pursue effectively our policy for achieving the change that we want in the national health service and tackling health inequalities.

Victoria Central Hospital, Wallasey

3.59 pm

Angela Eagle (Wallasey) (Lab): Since I applied for this Adjournment debate over the summer, the proposed closure of two wards at Victoria central hospital in Wallasey has turned into a real closure. I want to spend a little time outlining the background. As part of a welcome plan to modernise and improve services for older people in Wirral, the two local primary care trusts announced a £2.3 million reconfiguration of services for them in October last year. The focus of the plan was to reduce the need for unnecessary stays in hospital and to prevent avoidable admissions of older people to hospital if they could be dealt with better in a non-hospital setting.

The primary care trusts considered that the redesign would enable them to close 52 rehabilitation beds for older people in wards six and seven at Victoria central hospital, in Liscard.

4.1 pm

Sitting suspended for a Division in the House.

4.16 pm

On resuming—

Angela Eagle: I have supported from the beginning the philosophy behind the reconfiguration initiated by the PCTs. No one could possibly object to their aim of preventing avoidable hospital admissions. I have, however, always been very sceptical that such a great number of admissions could be prevented, and so quickly, that the two local wards, which comprise 52 rehabilitation beds, could be closed safely. I believed that the changed services had to prove that they were working well before it would be prudent even to consider closing the wards.

I am also extremely worried about the instability that is becoming increasingly evident in the private nursing home sector. There is an above average number of older people in Wirral, which historically has had a problem with the delayed discharge of patients from hospital. The social services and the NHS have begun to solve that problem by working in partnership, which I greatly support.

However, increases in property prices as a result of our economic success have led to a reduction in private nursing capacity because owners of private nursing homes have sold up to realise profits on their property assets and have left the private nursing care service altogether. Such instability of supply in a crucial area of social care makes it difficult to plan ahead coherently, especially if we want to ensure that there is no delay in discharging older people who have completed their medical care. I believed that that was another reason to value the beds in wards six and seven.

I expressed those views in my response to the PCT consultation, which closed this January. During the consultation, local staff and residents campaigning to keep wards six and seven open collected 18,000 signatures in a petition, which I was the first person to sign. The result of the consultation was that 70 per cent. of the 400 responses opposed the plan to close the wards. It is fair to say that there was overwhelming public opposition to the ward closures, but it is also fair to say that there was general support for developing a more community-based service for older people in which hospitalisation was the last and not the first resort.

I believe, however, that the consultation process was inherently flawed, simply because of the nature of the questions asked. The Minister will have seen the questions asked when he prepared for the debate. Moreover, what on earth is the point of having a consultation if the results are going to be put to one side when they are not convenient to the PCT's plans and intentions? We should have a proper consultation, or we should stop calling these exercises consultations and call them something else.

The PCTs did recognise the strength of local feeling to some extent, however, and did seek to give some welcome reassurance. They also delayed their final decision on closure to prove their view that the redesign of services would dramatically cut admissions of the elderly to hospital. That was a prudent course, which I supported; indeed, I had requested that a precautionary approach be taken on the issue. Initial signs were encouraging. Delayed discharges declined from an average of 55 people a week to just 11. At the same time, I led delegations of staff and local councillors to see the Minister who would take the final decision if no agreement could be reached locally. There was also a lobby of Parliament, which I addressed.

Meanwhile, I continued to support the primary care trust's innovative redesign of services, which included two particular elements to which I should like to draw attention. First, a primary care assessment unit was created at Arrowe Park. It provides screening, testing and assessment processes for older people who may need them. Such people may have been taken ill and appeared at a GP's surgery or accident and emergency without being admitted to hospital. Early experiences demonstrated that the new way of doing screening, testing and assessment was avoiding 60 per cent. of all previous hospital admissions.

Nobody in their right mind wishes to see an older person, who may have been ill, presenting at the GP, then having to be admitted to hospital merely for a diagnostic test and then getting stuck in hospital and being unable to get back out into the community. Clearly, the 60 per cent. fall in hospital admissions that I mentioned demonstrated that redesign was necessary and could deliver much greater efficiency; that is undeniable.

Secondly, I am particularly interested in the pilot "partners in practice" work that has been done in some local GP clinics in my constituency. It is not rocket science, but it involves looking at a GP's list, ascertaining whether patients have a chronic condition, checking the at-risk groups—for example, those who have been admitted to hospital more than once in that year—and using community nursing and health visitor facilities simply to go out to see patients and find out whether they are able to manage their chronic condition, be it diabetes or heart disease, well enough to prevent admission to hospital. That has to be a way forward. I hope that over time it will be demonstrated that some admissions could have been avoided by more proactive, preventative work. None of this is about saying that those things ought not to be happening.

[Angela Eagle]

However, there is the ongoing issue of the wards. When I took a delegation of staff and patients' representatives to see the Minister, Lord Warner, he was receptive to our arguments about taking action too quickly, but in the end decided to back the primary care trust's decision on the wards. I was informed of that in a letter dated 8 September, and I am extremely disappointed that that decision has been confirmed at a national level.

However, we got something out of our campaign. As the Minister made clear in a letter to me, as a result of our representations he had also taken the precautionary approach and insisted on some guarantees from the strategic health authority as a condition of the closure. They were, first, that health authorities must admit any older person who at any time needs admission to hospital as determined by the national four-hour accident and emergency target. That is a welcome and powerful requirement, which will keep the health authorities on their toes in the months ahead.

Secondly, he required that the facilities at Victoria central hospital be maintained over the winter period—mothballed, essentially—so that they can be reopened if there is a sudden reversal of the favourable trends on which their closure depends. That is another guarantee that we are not going to have precipitate, quick action that will deprive us of 52 beds that we might subsequently discover we need. I welcome the reassurance that the mothballing of the wards has given us over the winter period.

Thirdly, the Minister announced that there should be a monthly monitoring group to keep a very close check on hospital activity figures and ensure that the guarantees are honoured. Following that decision, I called upon the primary care trust to empower a citizens jury with which to share the information generated by the monitoring group. The idea was that a non-aligned group of local citizens would check that no problems were emerging as a result of the changes to services.

I am pleased to be able to confirm today that the primary care trusts have agreed to my request and have approached Wirral senior citizens forum to perform that important and innovative role. It is an independent organisation, which, I am sure, will be only too ready to alert us if there is evidence of any problems or bed shortages developing as a result of the reconfigurations. I look forward to the forum's independent monitoring, which will provide protection as our services change and develop, and I thank the PCT for agreeing to my suggestion to empower the citizens jury.

In the aftermath of the decision, I visited the wards to talk to staff and patients. I emphasised that the campaign has never been about saving jobs. All staff have been given a welcome undertaking that they will be redeployed within the local health service. That has been organised following full consultation with staff organisations and no outstanding concerns or worries have been raised with me or appear to be developing at Victoria central hospital.

Since the decision was taken, there has been a gradual emptying of the two wards. My information is that 30 patients have been discharged in the normal way and that no changes were made to the way in which they were treated; 21 have gone home; eight have gone into residential or nursing care; and one is in temporary residence.

I wonder whether my hon. Friend has an update of the latest situation concerning the guarantees that Lord Warner gave to me in his letter. Has the decline in delayed discharges been maintained? Since the announcement, I have not been contacted by any constituent about any problems with timely access to hospital beds or for elderly patients, but does the Minister have the latest information and can he give it to me today? In short, does he have any evidence that the loss of the wards is causing problems in the local system?

Secondly, could my hon. Friend comment on whether it would be possible to consider how the instability in the private nursing sector can be addressed? I am particularly interested in working with the co-operative movement to expand its mutually owned models of nursing care. They not only give greater stability and quality of care, but improve on some of the extremely low wage levels that are all too often a feature of the private nursing home sector. In my view, that is a much better way forward than a completely marketised muddle in the private sector. Will the Department consider how it could assist us in developing such a process?

Will my hon. Friend the Minister confirm that the future of Victoria central hospital is bright? There have been many welcome developments on the site in recent years, not least the opening of a brand new building for a well-used walk-in centre. It is extremely convenient for my constituents who, instead of sometimes having to travel many miles on two buses to Arrowe Park hospital or Clatterbridge hospital on the peninsula, or even across the river to the Liverpool hospitals, can have treatment for minor accidents and so on and general health checks in the walk-in centre.

The award-winning Wallasey heart centre has opened. I am pleased to say that it is cutting in half the number of deaths from coronary heart disease in my constituency and making an incredibly positive contribution to the health outcomes of many of my constituents.

I hope that my hon. Friend can reassure me on the points that I have raised. I also hope that he will undertake to keep an eye on the monitoring figures himself so that we can reopen the wards if they are needed, especially during the winter. Finally, will he reflect on the problematic nature of primary care trust consultations that have been highlighted by this case?

4.29 pm

The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne): I start by congratulating my hon. Friend the Member for Wallasey (Angela Eagle) on securing the debate and I would like to begin my reply to her eloquent speech with a few words of praise.

First, I want to praise the *Liverpool Daily Post* and *Liverpool Echo*, which have consistently and factually kept this issue at the forefront of the local community for its readership. The way in which they have framed the debate has again shown that they are a real and effective voice for the local community.

Secondly, I want to extend some praise for local campaigners whose passionate involvement in the campaign to keep the wards open is a credit to local community strength. Thirdly, I must congratulate my hon. Friends who represent the Wirral, in particular my hon. Friend the Member for Wallasey. She has previously raised this matter in meetings with my ministerial colleagues my right hon. Friend the Chancellor of the Duchy of Lancaster and Lord Warner. I know that her interventions have helped secure important guarantees from the local health community to address the understandable concerns of her constituents. She is a fighter who has won vital advances for her constituents.

I hope my hon. Friend will agree that at the heart of this debate is an honest difference of views about the next steps for improving care for older people across the Wirral, particularly in Wallasey. When Labour was elected in 1997, our job was to pick the national health service up off its knees and to power a shift from the inherited state of neglect to the world that we have today. As a result of our funding policy, the NHS is in receipt of record resources.

My hon. Friend's constituency sits in the Cheshire and Merseyside area. It has shared in the benefit of more than 400 more consultants since 1997, nearly 5,500 more nurses, and more than 3,800 more health care assistants. That has made a huge difference to the quality of care in Cheshire and Merseyside. The number of people waiting more than six months for in-patient treatment has dropped by 86 per cent. since 1997. The number of people waiting 13 weeks or more for out-patient treatment has dropped by 90 per cent. since 1998.

That means that more people live longer. For example, the mortality rate in the Wirral from coronary heart disease has fallen by nearly 20 per cent. Cancer mortality rates have reduced by more than 10 per cent. since 1997.

There has been enormous progress. As a former Chancellor might have said, money has been the root of some of that progress, but the truth is that more money alone is not the answer. Standards of care need to be transformed as well. In the context of this debate, that means there is a question of how we change the way we care for older people.

I want to present the Chamber with two sobering sets of facts about the imperative of strengthening care for older people. First, during this Adjournment debate about 100 people over the age of 65 will be admitted to accident and emergency, a number that resulted from figures from a year or two ago. In 2003–04, there were 1.6 million such emergency admissions.

Secondly, during the course of today, 8,000 older and frail people will fall. Of those falls, 70 per cent. will happen tonight. About 200 people will break a hip and 15 will die from their injuries. Nearly 1 million people over the age of 65 are treated by the NHS. About two-thirds of our hospital beds are occupied by older people at any one time. That is why care for older people is one of the most important things that the NHS does.

Providing care on the ward the way we did in the previous century and the one before that is not good enough any more. We can and must do better. Instead of forcing patients to come to the NHS, it is time that the NHS came to the patient. We want the NHS to change; we want it to be not just a hand that catches people when they fall, but a helping hand that supports them in different aspects of their life.

That is why this Department is investing £60 million in partnerships for older people to help councils and primary care trusts help older people to avoid emergency hospital visits and to live independently for longer. That is why we are investing £80 million, through local authorities, in telecare, to support an extra 160,000 older people living at home. Sometimes care at home is not the answer; sometimes nothing else but a good NHS hospital will do. Our job is not just to maintain but to strengthen the world's best safety net.

That brings me to the specific issue of wards six and seven at Victoria central hospital. Three facts are important for this debate. First, for the vast majority of patients on both wards, admission could have been avoided if suitable alternative arrangements were provided in the community at the right time. Secondly, nearly all patients on the wards at any one time were awaiting rehabilitation or transfer to a place in the community. Patients were never admitted directly to wards six and seven at the hospital. They were admitted to Arrowe Park initially and then transferred to VCH for rehabilitation later.

Thirdly, I am advised by Cheshire and Merseyside strategic health authority that in the 12 months to April this year, about 15,000 Wallasey residents were admitted to Arrowe Park. About 4,000, just over a quarter, were aged over 65, and of that 4,000, 159 elderly Wallasey residents—4 per cent.—received in-patient care in the 52 beds in wards six and seven at VCH. That is about 1 per cent. of the total Wallasey residents admitted to Arrowe Park.

Local community health professionals were required to make decisions. They took into account the fact that about 148,000 Wallasey residents attended the wide range of facilities such as out-patient and walk-in centres, day case, physiotherapy, occupational therapy and diagnostic facilities. Those facilities are there at present and they will be retained at the VCH site. That is why that site is so important to the future of the local community. That is the context in which decisions about wards six and seven were taken.

My hon. Friend asked whether there was news about what had happened since changes were made and guarantees were extended to her earlier this year. There are four or five bits of news that I want to bring to the attention of the House. First, I am happy to say that delayed discharge numbers have indeed declined. The number of patients whose discharge has been delayed pending availability of regular nursing home places is now consistently far lower compared to the peaks of around 60 in August last year. There are just 19 patients who are delayed in awaiting social services care. That is broadly in line with the assumptions that were made in the consultation document.

Secondly, the substantial reduction in delayed transfers of care and the beneficial impact of other investments at the hospital have produced a significant reduction in the number of patients who are admitted to the wrong type of ward as a consequence of the pressure on beds. The numbers have been reduced to single figures compared to the 50 or so on a regular basis 12 months ago.

[Mr. Liam Byrne]

Thirdly, whereas previously a significant number of patients sent in by GPs as emergencies were temporarily accommodated on trolleys in the accident and emergency department, all those patients can now be admitted directly to the combined clinical decision unit and primary care assessment unit.

Fourthly, at present the main acute sites now routinely have between 30 and 50 empty beds available each day, ensuring that the local community has the spare capacity on which to rely.

Fifthly, the trust and PCTs estimate that the deep vein thrombosis service saved approximately 2,000 bed days during the last financial year and the primary care assessment unit saved 1,500 bed days per annum, avoiding about 700 admissions. The work load at the walk-in centre at VCH has increased steadily over the last 12 months and it is assumed that about 4,000 bed days per annum are being saved because of that service. The services cover the vast majority of people aged over 65.

My hon. Friend asked me to reflect on ways to manage instability in the local care market. I am happy to take that on board and I will return to that point. In addition, I can give her a commitment to maintain a watching brief on the guarantees and the numbers in question so that we can ensure that at a very senior level the right decisions are being made locally.

None of the improvements in Wallasey happened by accident. They happened because of the new investment in the clinical decision unit of £1 million a year, because of investment in a new walk-in centre, more investment in intermediate care services and in primary care assessment centres, four new community matrons and the new 12-bed heart assessment unit.

In conclusion, I shall say a brief word about democracy, and specifically the involvement of local people in decisions about health services, which was an important part of my hon. Friend's analysis. Since 2003, every local authority with social services responsibilities has had an overview and scrutiny committee that has powers to review and scrutinise health services in its local area. Wirral metropolitan borough council's OSC made a valuable contribution to the arrangements that have been put in place. Its input, coupled with my hon. Friend's specific interventions, has brought about the guarantees from the SHA.

As my hon. Friend rightly mentions, the most important guarantee is the continued maintenance of facilities in wards six and seven throughout the winter period so that they can be reopened if there is any sudden reversal of the favourable trends on which their closure was initially proposed.

The truth is that health organisations cannot overlook the user perspective. In the past, consultations have left people feeling cold. They felt that their ideas were rejected without reason, and they felt that they were not really heard. Many of my hon. Friend's constituents held that view, and that is why we must find new ways of engaging people.

I congratulate my hon. Friend on the establishment of the citizen's jury in her constituency. That idea potentially has a national application, and it comes at an opportune moment. As she knows, the Department is engaged on a listening exercise known as "Your Health, Your Care, Your Say", which is in full swing around the country. I am glad to say that it reaches its climax in Birmingham in a week or two.

As part of that consultation exercise, several taskforces are looking at specific issues of local democracy. One taskforce, "Having My Say", focuses specifically on how better arrangements can be put in place to strengthen the voice of patients, users and the public in the way in which we plan and deliver health care. As the health and social care system changes, we must ensure that the new arrangements support patient voices, so that the health services that are delivered are fit for purpose. We must learn the lessons from Wallasey that my hon. Friend has so eloquently brought to the House.

I can tell her that the "Having My Say" taskforce will make recommendations to Ministers on how we can be confident that views, experiences and the interests of patients and the public are heard and responded to.

Angela Eagle: That is a very welcome announcement. I wonder whether the Minister would undertake to send the taskforce a copy of the *Hansard* debate, so that they can look in detail at the ways in which the consultation in Wallasey worked and did not work. There are many lessons to learn, and it would be good if the taskforce learned them in a timely fashion before it pronounces.

Mr. Byrne: Absolutely. I am grateful to my hon. Friend. I was about to say that I will personally ensure that the case of Wallasey is put before officials who are tasked with getting the next stage of reform right. I congratulate my hon. Friend on the tenacity and firepower that she has brought to campaigning on behalf of her constituents.

Over the next 10 years, this country's community of older residents will grow and grow. Alongside doubling our investment in the health service, we have allocated an extra £10 billion since 1997 to older people who have been on benefits. With those advances in wealth and in health, there is a real promise of a better life for older people who have given us and their community in Wallasey a lifetime of service. They deserve the best care possible, and with this Government running the national health service, they will get it.

Part-Time Higher Education

4.43 pm

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I am grateful to have the opportunity to draw to the House's attention the concerns of many of the tens of thousands of students engaged currently in Britain in part-time education. I must say that the experience is made even more pleasurable under your chairmanship, Mr. Amess.

My intention is not to try to bash the Government over their inequitable approach to full and part-time students. I hope instead to provide some constructive criticism and perhaps gently encourage the Government and, indeed, the Minister to review some of their current policies.

I am slightly disappointed, however; I made an offer to the Department for Education and Skills to give my speech to the Minister in advance, but that was not taken up. I am sure that we could have made even more progress had that happened.

The Minister has a reputation for being reasonable and thoughtful. In his defence, my e-mail was sent to his colleague the Minister for Higher Education and Lifelong Learning. That may explain why the Minister did not receive it.

Mr. Amess, you may be surprised to discover that this debate seems already to have had some impact on a rethink of Government policy. I have waited some 20 months for a review of the Higher Education Act 2004, and only yesterday, just hours before this debate, the Government announced steps towards addressing the imbalance between part-time and full-time students. I am sure that the Minister will assure me that that is coincidence, but he will forgive me for taking some small consolation from thinking that perhaps that is the closest that an Opposition Back Bencher can come to influencing Government policy.

As the Minister may know, the Open university is based in my constituency of North-East Milton Keynes. It is the only university dedicated to distance learning, and it supports about 180,000 students, both undergraduate and postgraduate. Nearly all the students at the OU are currently studying part-time. The OU was the world's first successful distance teaching university, and it retains its reputation by offering a vision for the future, as students and businesses demand a more flexible approach to learning. It was ranked among the top five UK universities in a national table on teaching quality by the Quality Assurance Agency for Higher Education. In a recent survey published by *The Times Higher Educational Supplement*, the OU came out top for student satisfaction. The Minister will agree that it should be congratulated on those notable achievements.

In recent years, there has been a steady increase in the number of students who undertake degree programmes part-time. Part-time students make up 41.7 per cent. of all higher education students; that is rise of 4.2 per cent. on last year. Understandably, there are many reasons why people undertake part-time study. These include furthering or changing their career, or just having an interest in the subject. A wide cross-section of society is attracted to part-time study, from mothers who wish to gain further qualifications while being primary carers, to retired people who wish to continue their education once they have the time and resources to do so. As we see, it is not a uniform group.

It is essential that everyone in society is afforded the same opportunity to further their education and develop themselves as and when they want. That is why I find it difficult to comprehend why the Government have made a clear distinction between those students who study full-time and those who do not. When the Government introduced student top-up fees, they clearly stated:

> "No student will have to pay their contribution up-front or while they are studying".

That is simply not the case. Students enrolled in part-time courses will have to pay their fees in advance, albeit pro rata. All the policy work done on the Higher Education Act 2004 concentrated on the full-time learner. It is clear to anyone that as a result the part-time sector was largely overlooked.

Over 90 per cent. of people who undertake part-time study are currently employed. Of that group, many are fortunate enough to have financial backing from their employer, who either meets the full cost of the course or just pays a contribution. Ministers at the Department for Education and Skills have stated that 60 per cent. of all part-time students have an employer subsidy, but that leaves 40 per cent. of part-time students who are self-funded. Indeed, at the OU a recent study showed that only 17 per cent. of undergraduates received support from their employers. Some 8 per cent. of students are supported by state benefits, and 8 per cent. are lone parents. We should also bear in mind that many of the sponsors are small employers who may be unable to meet the rise in fees, or who may be able to sponsor only half the number of students in future.

I have a real concern that levying an annual tuition fee on part-time students on a pro rata basis, as against a £3,000 full-time undergraduate fee for the same course, may act as a serious deterrent to participation by students. It should also be noted that, under the current policy, part-time students have no access to fee deferral in 2006. The message that the Minister for Higher Education and Lifelong Learning has been trying to send out is "study now, pay later." I wonder whether the Minister will agree with me in his reply that "pay now to study now" would be a more appropriate message to send to the 41.7 per cent. of higher education students who study part-time.

The part-time sector has been given no consideration as part of the Higher Education Act 2004. From my calculations, it has taken nigh on 20 months for the Government even to begin to address those issues. I understand that the Treasury has provided £1 billion in extra moneys to underwrite the new fee regime. I want to know how much of that money will assist part-time learners. As I see it, not one penny will go to part-time providers or to part-time students, as those learners will not have access to the generous packages of support in fee grants and loans that are presently available to full-time students.

That leaves education providers with a financial dilemma. Do they introduce huge fees to compete with the full-time sector, as the Government have suggested, or do they keep fees at the level that they know that the market can bear? If institutions adopt the former

[Mr. Mark Lancaster]

strategy, they risk losing large numbers of students; if the latter, they risk creating huge deficits in their budgets, which no institution can afford to do. I shall be interested to hear the views of the Minister on those matters.

Student support must be consistent across the board. I welcome the announcement made by the Secretary of State yesterday that the poorest part-time students will have their grants adjusted to bring them into line, pro rata, with the fee grant available to the full-time sector. I am sure that the Minister will be keen to expand on that announcement in his reply.

However, the Government need to go still further. In the announcement yesterday, the Secretary of State acknowledged that

"part-time education plays a fundamental role in our higher education system. It extends access to higher education for hundreds of thousands of students who are unable to study on a full-time basis. And we know from the National Student Survey that the satisfaction levels for part-time students are among the highest in the country. The support needed by part-time students varies considerably. Our new package will protect the participation of students in the most challenging financial circumstances."

If that is the case, why do I find myself asking what further steps the Government will be taking to continue to redress the balance?

I would like to see an increase in the institutional funding for the institutions that teach large numbers of part-time students. That would recognise the additional costs that those institutions incur in supporting part-time learners and would put them on a level footing with the full-time sector.

There needs to be better targeting by the Government of part-time learners. The evidence suggests that part-time students are less inclined to take up loans and grants than full-time students. That is for a variety of reasons. Many part-time students are already carrying debts in the form of mortgages or personal loans, and are therefore reluctant to increase their debt. It is not easy to target information at part-time learners. Most full-time learners are given information at school or college, but because part-time learners are such a diverse group, it is much harder to ensure that they all receive adequate information. In the light of the announcement yesterday, I would be interested to know what publicity the Government are planning to make part-time students aware of their entitlements. Are we to expect a television or leafleting campaign?

I would also like to draw attention to the recent consultation paper by the Higher Education Funding Council. In the consultation, it is acknowledged that part-time learners do not get treated equally, although the figures have now been amended due to the announcement yesterday. The paper says that:

"Part-time learners do not have access to loans; they have access to less generous grants or bursaries; and must pay fees 'up front'. There is a means-tested course grant of £250, and income-related support for fees, with some institutions providing fee waivers where students are not eligible for tuition fee grants. In 2005–06 tuition fee grants will be between £590 a year for a half-time student to a maximum of £885 for three quarter Full Time Equivalent or more. This is broadly pro rata to the existing maximum full-time fee of £1,175. Many part-time learners have fees paid by an employer or other agency."

However, the board felt it appropriate to leave things as they were and come back and review the situation once a clearer picture had been formed of the impact of the fees.

It is clear to me that the Government's rhetoric on support for life long learning is not matched by the right policy or public investment. We are told by the Chancellor:

"I am convinced that Britain can not afford to waste the ability of any young person, discard the future of any teenager, or leave untapped the talents of any adult". —[*Official Report*, 16 March 2005; Vol. 432, c. 268.]

It should be noted that those factors only apply if one is aged between 18 and 30 and participating in full-time education. The Government have systematically left out part-time students and adult learners from higher education plans. At a time when we are encouraging our work force to work longer and re-skill, it seems incredible to me that the tools are not in place to allow that.

I would be grateful if the Minister addressed five key questions. Why have the Government made a clear distinction between those students who study full-time and those who do not? Why was the part-time sector overlooked in the Government's review of higher education? Why do part-time students have to pay their fees up front? How much of the extra money provided by the Treasury will assist part-time learners? Finally, when will the Government be consistent in their treatment of full and part-time students?

4.56 pm

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): I begin by congratulating the hon. Member for North-East Milton Keynes (Mr. Lancaster) on securing this timely debate. Indeed, the timing could not be more appropriate given yesterday's announcement. I have to disabuse him of the notion that this debate was the trigger that prompted that announcement. As he knows, my hon. Friend the Minister for Higher Education and Lifelong Learning announced the student funding arrangements for part-time undergraduate students for 2006. That announcement was an important one, and I shall explain why later.

I shall just take a moment to reflect on the importance of part-time education in general and the Open university in particular. I am delighted to say that in this country we have one of the strongest part-time undergraduate sectors in Europe. During the past decade, it has experienced vibrant growth, which we welcome. Part-time provision increases access to higher education for literally hundreds of thousands of students. There are now more than half a million in total, who, for whatever reason, are unable or unwilling to undertake full-time study. It is clear that part-time students like what they get.

The hon. Gentleman will no doubt be aware that the recent national student survey revealed students of the Open university, which is based in his constituency, to be the most satisfied in the country with those at that other dedicated part-time provider, Birkbeck college, close behind. What is more, a strong part-time sector is essential to our higher skills strategy, supporting people in work to enhance their skills and opportunities for vocational progression.

Part-time provision is a success story of our higher education sector and at the centre of that success is the Open university. It is our only university dedicated to distance learning, educating a third of part-time undergraduates from all walks of life and drawn from every corner of the country. Our part-time sector has a proud history that is to be celebrated and nurtured.

If the hon. Gentleman will allow me, I would like to take the opportunity to record my appreciation of his predecessor, Brian White, the former Member of Parliament for North-East Milton Keynes, and his parliamentary colleague, my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), for the tremendous work they have done during previous years and continue to do in promoting the Open university, celebrating its achievements and lobbying the Government for increased investment for part-time undergraduates and those institutions.

It has been this Government's aspiration to increase access to part-time study. I heard the hon. Gentleman—as we know, Mr. Amess, these are not necessarily party political debates—lambasting the Government for a failure to invest. I shall not remind him of the manifesto pledge of his party at the last election to cut £30 billion out of public spending; I suspect that that would not have put a lot more money into part-time undergraduate study. Indeed, before 1998, there was no fee support whatever, under previous Administrations, that was available to part-time undergraduates on low income.

In 1998, this Government introduced the first fee waiver schemes and, year-on-year, improvements have led to a statutory fee support of £590 for a student studying part-time at 50 per cent. intensity; there is more for those who study more intensely. There is also a course grant to cover the cost of studying of some £250. That support has been targeted at those students on the lowest incomes, quite rightly. The hon. Gentleman used those figures himself today; two-thirds of all part-timers are in full-time work on typical incomes. One third have their fees fully covered by their employer. In answer to one of the hon. Gentleman's questions about why we make the distinction, it is because a variety of students in part-time study have some of their fees paid for by their employer. If we were to make them equivalent to full-time students, we would be losing out on all that employer investment in their workforce.

For students who are earning a full-time wage, and whose fees are fully covered by their employer, the barriers to participation are not so much in covering the costs of the fee, but in ensuring the vocational relevance of provision and the flexibility of provision to fit around daily employment and the way in which they run their lives. We have worked hard to help institutions to work more closely with employers to achieve both those aims.

I welcome, in particular, some new work from the Higher Education Academy to extend understanding of the most interesting and innovative practice in work-based learning. I should like to focus today, however, on students with low incomes, and on the announcement that we recently made about those who really need our support, who are often people on benefits.

Mr. Lancaster: The Government say that 60 per cent. of part-time students have the support of their employers, but do not always focus on the fact that such support can take many different forms. Within that 60 per cent., it may be that employers are only giving part-time students time off work, or perhaps giving them money to buy books. That 60 per cent. figure can be slightly misleading, and I am not convinced that giving the Government credit for it is appropriate.

Phil Hope: The hon. Gentleman makes a fair point, but the essence of his question was why cannot part-time undergraduates be treated the same as full-time students. Clearly, the reason is that they are different. Some of them are in full-time work; some of them—a considerable number, a third—have their fees fully paid by their employer. To treat full-time students and part-time students as exactly the same, which the hon. Gentleman does, would not recognise the starting point, and would have unintended consequences of reducing the volume of resources available to deliver good-quality undergraduate courses.

Let me turn to the issues of the consequences and the inequalities, to which the hon. Gentleman alluded, in the introduction of variable fees for full-time undergraduates in 2006. He asked why the part-time sector was overlooked in Government provision. However, although part-time provision was not addressed in last year's Act, that was a conscious decision. It was not overlooked. We deliberately did not address that issue in the Act. Part-time fees have never been regulated in that way. We had and have no intention of changing that.

However—this is why the debate is timely—we recognise concerns from the Open university and others that consequences for part-time students may flow from the Act. Some institutions have argued that they are constrained in finding the true market for their provision because, generous as our fee support is, it is capped. This year, the full-time equivalent—the hon. Gentleman used the figure—amounts to some £1,180. Other institutions, by contrast, have argued that their geographical position and institutional profile will make it difficult to adjust their current diet of fees. Consequently, our imperative is to protect and sustain part-time provision by two broad means.

Yesterday, we announced a 27 per cent. increase in the level of statutory fee grant available to students on low incomes. That is a substantial increase by anybody's standards. The fee support for students studying at half pace will grow from £590 to no less than £750.

In addition, from 2006, we will adjust our access to learning fund—now that full-timers are set to benefit from generous new support—to provide significantly increased discretionary support for institutions to use to ensure that students on the lowest incomes can access higher education and sustain their participation in it. The allocation of the access to learning fund against part-time numbers will increase fourfold to £12 million by 2006 and will increase still more, spending reviews permitting. We are saying to those universities, "You know best where the financial barriers to participation lie. If they lie in meeting fees, here is a resource that can be used as additional fee support. However, if they lie in general hardship—for example, in covering the cost of child care—this is a resource that can be drawn on."

The combined package represents a step change in the level of fee support. It provides reassurance to institutions that they can feel free to find the market rate

[Phil Hope]

for their provision, knowing that the state will support those who need it most. Even that is not the whole story. Institutions also benefit from institutional funding—funding that goes not to the student, but to the institution—channelled through the Higher Education Funding Council. That is linked to part-time numbers. Such funding has grown over recent years.

Next month the HEFCE board will consider whether it is now appropriate to introduce further changes. That is not a decision that we can prejudge, but, as in the case of the changes to our student support package, it is a measure that will doubtless be given close attention by the officers of the Open university and all our higher education institutions.

I want to check that I have addressed all the questions that the hon. Gentleman raised. I covered why we see part-time students as different and I have explained that, essentially, they are treated differently for that reason. That relates to the core of his case. The way that we have handled this area in the past has meant that part-time undergraduate study has blossomed in the way that I described earlier. The fees measures that I have outlined today may not be the final word, but they do respond to the points that were raised with us over many months during the assiduous lobbying of the Government by his constituency predecessor and by his parliamentary neighbour.

Mr. Lancaster: Before the Minister finishes, I want to ask one more question. If I were a part-time student looking at the Higher Education Act, could he explain to me the difference between my word "overlooked" and his word "unaddressed"?

Phil Hope: Yes, but I do not want to get down to a detailed analysis of different words. "Overlooked" implies that we forgot to do something, but "unaddressed" implies that we decided not to do it. We decided not to do it for the reasons that I explained earlier; in other words, because we have a different strategy.

In conclusion, we have dealt with some of the points raised, but there may be more to come. In response to concerns raised in this debate and elsewhere, we have considered the impact of the new full-time regime on part-time providers. We want to deepen our understanding of the nature and composition of the group of people who study part-time to ensure that we are meeting all the different needs. There will be an opportunity further to review part-time provision alongside the full-time package in 2009.

It is important to recognise not only part-time students but the Open university. I believe that the hon. Gentleman would agree that it has a proud history. Most of us would agree with the judgment that the OU may have been one of the greatest achievements of Harold Wilson's premiership. Its success as an institution is irrevocably linked to its distinctiveness in offering new routes into higher education for people across the country and overseas by fitting learning into individuals' personal circumstances. We recognise that, because of its distinctiveness, it may be affected by the changes to full-time fees and so on. That is why we are taking a great deal of time and trouble, and engaging in many high-level discussions with the OU, to try fully to understand the consequences and how we best might respond.

The package that we announced yesterday matters greatly. We have had some excellent responses from Birkbeck, the Open university and other UK universities welcoming the announcement of the extra support for part-time undergraduates. There will be a step change in support for low-income students, freeing institutions to set fees as they think best. Institutional resources and freedom to find the best ways to support vulnerable students will grow.

The hon. Gentleman mentioned publicity. What is important about the existing information campaigns is that students are used to getting information in certain ways. Let us use those ways to get this message out to part-time students.

Subject to decisions of the HEFCE board, institutional funding may be greater as well. Taken together, I see a rosy future for part-time undergraduates and the Open university. I am sure that the hon. Gentleman will be a champion of that institution during the years ahead; perhaps only for four years, but I do not wish to stray into that territory. He can rely on this Government to support institutions such as the Open university and others that work with part-time undergraduates. We will give the greatest support we can and offer the greatest opportunities to part-time students so that they can receive the best possible learning.

Question put and agreed to.

Adjourned accordingly at eleven minutes past Five o'clock.

Westminster Hall

Thursday 20 October 2005

[MR. JOHN BERCOW *in the Chair*]

Social Exclusion Unit

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Woolas.]*

2.30 pm

The Minister for Local Government (Mr. Phil Woolas): Thank you, Mr. Bercow, for presiding over this debate. This is the first occasion on which I have had the privilege and honour of serving under your chairmanship, and I wish you good luck in your role.

I am delighted to have secured this debate on social exclusion and the social exclusion unit. I was fortunate to see in the Box one night a letter from the Government Chief Whip asking Ministers whether they would like to put forward subjects for debate. I thought that no subject was more important than the work of the SEU. For the benefit of Opposition parties and the whole House, I want to set out on the record the work of the SEU and our goals.

The obvious place to start is to define social exclusion and why we are involved in that. Social exclusion and its abolition are at the heart of the Government's philosophy and programme. Delivering social justice through sustainable communities throughout the United Kingdom is one of the Government's central goals.

What is social exclusion? We all know what it means, but we have gone further and have defined it. Social exclusion is life below the minimum acceptable level in a decent society. It is when people do not have the things that most of us take for granted—for example, a decent home, a job and the ability to read and write. These are simple things perhaps, but hugely important. Social inclusion means that opportunity is open to all and that no one lives below an acceptable level.

We intend to maintain and increase our current successful policies for tackling poverty and social exclusion. We have set ourselves a hard task, but we have good reasons for making it more difficult. The number of people who are defined as being socially excluded—I could go into measurements if hon. Members want to tease them out—is based on a multi-deprivation index. The figures are interesting and show that in 1991, 8.9 per cent. of the adult population was defined as being socially excluded. By 1996, that had fallen to 5.7 per cent., which was good steady progress in the early 1990s. I acknowledge that and we all welcome it. By 2003, the percentage had fallen to 3.7 per cent. We have made steady progress, but the statistics show that the problem becomes more difficult the lower the percentage is. That is the point that we are at, which is why I want to address the future priorities of the SEU.

I have three messages today. First, the abolition of social exclusion is of fundamental importance to this Government. The cost of failure to individuals, families, neighbours, the community, the economy as a whole and, indeed, our status as a civilised society demand that we attack social exclusion. Secondly, as my figures illustrate, real progress has been made as a result of our actions. We have changed the lives of hundreds of thousands of people, some of them being the most vulnerable in our society. Thirdly, there is a much more to do. Despite the progress to which I referred, many, many people still suffer severe and enduring problems, and I shall repeat some of them: poor housing, low basic skills, poor mental health and discrimination based on where they live. They are people who are not in a job or training but have been living for three, four, five or more years on incomes and in circumstances that most of us would find difficult for four or five weeks. Some of them live on what are called run-down estates—unfortunately, we all know what I mean by that. Some live in deprived inner-city areas. However, it is by no means the case that socially excluded people live exclusively in those areas. Exclusion can also exist in more prosperous neighbourhoods. It can and does exist in rural areas, where isolation can be extremely punishing. It affects our cities, our rural areas and all our regions.

Addressing the needs of these people is an even greater challenge than making the progress that we have made so far. We need to up the ante. We need to re-examine and refocus as we move forward. The SEU has made the first steps with important work in looking at how to improve service delivery to the most disadvantaged. Part of our goal is to say that just because somebody lives in a state of social exclusion does not mean that they are not entitled to high-quality public service delivery. Indeed, the report that I launched last week, "Improving Services, Improving Lives", links the issue of public service reform and delivery to the issue of social exclusion. We must find ways, such as those contained in the report, to come up with sustainable answers to eliminate persistent poverty once and for all.

Let me emphasise more why this issue matters. I hope that what I am going to say does not sound too philosophical. In Westminster Hall on 30 June, I instigated a debate on the neighbourhood renewal strategy. There were some thoughtful speeches and I was grateful to Opposition spokespersons and to Back Benchers for taking the debate in the spirit in which it was intended. I wanted it to be an honest exchange in which I admitted some of the Government's failures and in which the Opposition and other Members could propose solutions and challenge some ideas. I want to do the same today. However, what I will not do—I am not implying that hon. Members would want me to do this; I know that you would not, Mr. Bercow, and neither would the hon. Members who are present—is say that the issue does not matter. It does matter and it is a huge priority.

Our goal is to build a society that is based on social justice and opportunity for all. The very first speech that my right hon. Friend the Prime Minister made as Prime Minister in 1997 was during a visit to one of our deprived estates, when he said that he wanted to tackle

"the dead weight of low expectations, the crushing belief that things cannot get better."

Social exclusion matters now as much as it did then. It matters, for example, to the one in 10 children who grow up experiencing poverty. Without help, they are likely to stay poor and disadvantaged. Social exclusion matters to the taxpayer. It is estimated that £100 million a year

[Mr. Phil Woolas]

would be saved if just one in 10 young offenders received effective help early enough. It matters to economic prosperity. Our estimate is that £31 billion a year is lost due to early withdrawal from the labour market—much of it as a result of inactivity and age discrimination.

Social exclusion matters to the whole of society. It matters to the 7 per cent. of pensioners who still live in severe isolation. About 12,000 a year will die alone and, unfortunately, unnoticed. That is 32 people every day. It matters to all of us who experience a lack of social cohesion, increased crime, fear and a lack of respect. We will benefit from success in this area.

I will review the progress that has been made. I have tried to paint a picture that shows that things are getting better, to coin a phrase, but there is much more to do. When the Government came to power, the situation looked dire. The sick, the jobless and the uneducated looked to be on a one-way road to poverty and destitution. It was a vicious cycle of poverty and deprivation. Public services were worn down and often impotent in some of those areas, and it seemed that things would become worse. However, there have been some huge achievements. There are now 2 million more people in work, 700,000 fewer children in poverty—as defined by independent measurements, not by us—700,000 fewer pensioners in poverty and improvements in educational attainment at all key stages. There are now 1 million fewer non-decent social homes. In ordinary language, that means council houses fit to live in, not damp and awful as many of them were, and as some still are.

There have been real achievements and one of the flagships of that agenda is the Sure Start programme, from which 400,000 children and families in the most disadvantaged areas are benefiting. We have changed the lives of millions of people and I am proud of that achievement.

There are some really significant battles where we have attacked some of the underpinning problems of our society. There are now 400,000 fewer children living in a workless household. What an achievement! I am sure that hon. Members will agree with the following point, and join me in trying to find policies that address it. If a child grows up in a household where no family member works, the routine of life—getting up in the morning, self-esteem, self-discipline and respect for oneself and others—is often not there because of the damage that can be done. Growing up poor and disadvantaged is extremely damaging for children and their chances in life. We are now well on the way to ensuring that they do not carry the burden of their parents' problems through their own lives for every job that is created.

Attacking social exclusion is a win-win activity. Children and families win and the taxpayer wins because it is far cheaper to prevent exclusion as opposed to helping people out of it. As I have acknowledged, the war has not been won yet. Persistent poverty is experienced by 7 per cent. of working age people. More than 3 million children still live in non-decent homes, more than 10 million working-age adults have low skills and qualifications and about 2 million pensioners still live in relative poverty.

We are attempting to tackle the final remains of a pernicious legacy that we inherited. I do not want to say that the problems were all the fault of the previous Government—far from it. There were serious structural post-war problems that all Governments inherited, and those problems had taken decades to create; we now have to turn them around.

Why is social exclusion in those remaining areas so entrenched, intractable and difficult to tackle? We all know that it does not follow departmental remits. It does not fit into nice organised boxes for politicians and civil servants to put into nice rows and deal with one bit at a time. It affects all areas of life: health, welfare, employment, education, crime and so on. We have to have a cross-cutting approach to it.

Social exclusion results from a set of problems that are constantly changing. We are not dealing with a fixed target. No sooner do we tackle one problem, than a new one arises caused by new pressures. We need to stay on top of that situation to understand what we are trying to tackle. Despite that, I do not want to lose sight of the progress that we have made so far.

The SEU was established in 1997, in large part by the Minister of Communities and Local Government, my right hon. Friend the Member for South Shields (Mr. Miliband). It was originally part of a unit at No. 10. It was then moved to the Cabinet Office, and arrived at its rightful home when it came to what was then the Office of the Deputy Prime Minister, the Department dealing with communities and the agencies on the ground where this problem can be tackled. It was set up in response to some of the most ingrained and intractable social issues that faced us. I have described what some of them are. They are issues such as teenage pregnancy and people sleeping rough. That is what led to the creation of the SEU. That goal—that focus—still underpins the unit's objectives. Its task was set out in the 2004 spending review, when the Government asked the unit to tackle

"deprivation by working with departments to narrow the gap in outcomes between deprived groups and the national average."

A beautiful new Labour piece of prose.

Alistair Burt (North-East Bedfordshire) (Con): As a point of clarification, will the Minister enlighten me about how "beautiful" and new Labour phraseology fit together?

Mr. Woolas: I asked for that.

We set ourselves a difficult target, as I explained in this Chamber on 30 June in our debate about neighbourhood renewal and the work of the neighbourhood renewal unit. We have said that we want not only to reduce the number of people who suffer from social exclusion and lift them out of that situation, but to narrow the gap—the inequalities—between those people and the rest of society, whether it is measured by educational achievement, longevity or the other targets that we set ourselves.

If one's goal is not only to lift the bottom, but to narrow the gap, there are two ways to do it. One can chop the top off, so we solve the problem of the inequality gap in longevity by adopting a policy of euthanasia—*[Interruption.]* It is in *Hansard*, and I shall regret saying it. Nevertheless, the serious point that I am

trying to make is that the target is challenging, and success in other areas of policy can lead to statistical presentations that may prompt less opportunistic Members than those present to accuse us of failure.

David Howarth (Cambridge) (LD): I welcome the Minister's statement that there are two ways to tackle the problem of the gap between the better-off and the less well-off. What remains in my mind is the question of quantification. To what extent are the Government aiming to close the gap, and over what period? Will they be more specific about narrowing the gap? They can narrow the gap by a very small amount and claim that they have succeeded.

Mr. Woolas: That is an important point, and I shall answer it in my remarks. The reason that I place so much emphasis on the policy is that it is a deliberate policy and choice not only to lift up the least well-off and bring in the socially excluded, but to narrow the gap. It is a commitment to equality. We recognise that it makes, first, our task harder, and secondly, our critics louder from all points on the political spectrum.

When statistics are rightly set out in the public domain and highlighted, the policy leads to headlines, speeches and policy pamphlets saying that the strategy is failing because the gap is sometimes getting bigger. I shall provide the figures for longevity, and all boats are rising with the tide. Sometimes, however, the inequalities mask the success.

Alistair Burt: Will the Minister be fair enough to admit that one of the reasons why he may be challenged on the equality gap and whether it is widening is that for many years that was the measure that his party used to challenge the Conservative Government? It was not a question of all the boats rising at the same time; it was about the gap. If the gap widened, the then Government were accused of displaying a lack of care to those at the poorer end. Now that the hon. Gentleman understands the situation more clearly, perhaps he appreciates that the approach in the past was wrong and that he is offering a more realistic approach. In return, our response may, equally, be more measured.

Mr. Woolas: I have no hesitation in acknowledging the point, and the policy change that was brought about. I highlighted the methodology that we use for measurement, and the target of narrowing the gap as well as raising the bottom, precisely to draw attention to the point that the hon. Gentleman made. Some argue that community cohesion can be damaged by a widening of the gap. That might be a valid point in certain circumstances. Our goal is to ensure that everyone is better off and, while doing so, to narrow the gap. I acknowledge the importance of the hon. Gentleman's point; the discussion about equality of opportunity and egalitarianism that lies behind it is a fundamental point in post-war British politics.

The SEU is well resourced and bucks the trend of the stereotype of the civil service culture. It is buzzing with ideas and draws in support from across the voluntary, and private sectors, academia and elsewhere. It is focused on turning words into action. It reports across Government and recommends cross-Government action.

Let us examine some of the successes. There has been a 75 per cent. reduction in rough sleeping, which, in significant part, has been brought about because of the pointers given to us by the SEU. There has been a radical overhaul of benefits for young people, and a fall of nearly 10 per cent. in teenage pregnancies. There has been a new duty on local authorities to promote educational attainment of children in care. We all understand that point.

Over the time that it has been in existence, more than 50 reports have examined the severe problems experienced by a wide range of groups: children in care; ex-prisoners; and young people who are not in education, employment or training—I think we called them NEETs.

All of the reports led to practical steps forward. The mental health and social exclusion project led directly to a national anti-stigma and discrimination programme, helping more people with mental health problems into work. The report on jobs and enterprise in deprived areas in 2004 enabled those delivering services to identify areas of worklessness right down to individual streets. As a result of modern statistical methodology, that was the first time that we were able to do that.

The SEU provides groundbreaking solutions to complex problems. It examines all the available facts objectively, tests them and then proposes actions. It has made joining up more than just a slogan; 18 policy action teams were set up in 1998 to cover wide-ranging issues. Uniquely, they included local residents alongside officials from right across Government and other outside experts. The resulting recommendations were outward focused; nearly 600 were made and 86 were accepted. One led to the establishment of the neighbourhood renewal unit, which we debated in this Chamber on 30 June.

As I draw to a conclusion, I will detail what remains to be done. Before I do so, I will answer the question raised by the hon. Member for Cambridge (David Howarth). He asked about the time frame. The national strategy for neighbourhood renewal, of which social exclusion is a part, says that in 10 to 20 years' time no one should be seriously disadvantaged by where they live, as measured by specific floor targets on educational attainment, health and so on. We narrow that down further. For example, the goal for health is that mortality rates from heart disease, stroke and related diseases in deprived areas should substantially decrease so that the absolute gap between the national rate and the average rate for deprived areas is reduced by 40 per cent. by 2010. There are specific goals. Anyone who considers our strategy of local area agreements, which try to bring together public service deliverers in local areas, and our neighbourhood agenda for neighbourhood empowerment and service delivery will understand the importance that we place on such issues.

So what remains to be done? In 2004, we asked the SEU to review progress, and it reported that we had yet to reach some of the groups with multiple problems. Five per cent. of adults still fall into the category of most disadvantaged, which means five or more problems. The figure is lower than in 1997 but still too high. Such people are most at risk of social exclusion.

We chose five priority areas: economic inactivity and pockets of worklessness, poor educational attainment, inequalities in health, homelessness and concentration

[Mr. Woolas]

of crime. Overall, progress has been made in each area, but it is obvious that the problems that remain are the most difficult. Despite record employment levels, the number of people who are economically inactive has stuck at about 22 per cent. since 1997, and worklessness has become more concentrated in the same areas and the same households. Again, despite improvements in educational attainment, about 25 per cent.—one quarter of all 16-year-olds—fail to achieve one D grade at GCSE. Five per cent. receive no educational qualification at all, and 9 to 10 per cent. of young people are not in education, employment or training.

There are other issues. For example, despite the fact that there are fewer deaths from key killers such as heart disease and stroke, a boy born into the professional class can still expect to live seven and a half years longer than his school mate whose father is a labourer. I highlight the problems but remind the House that there has been steady progress. Despite achievements in tackling rough sleeping, more than 3 million children and 3 million pensioners still live in non-decent housing. Despite the fact that the risk of being a victim of crime declined by 16 per cent. in the past 10 years, people living in the most deprived areas are still the most likely victims of crime or antisocial behaviour. That is unacceptable to the Government, and that is why our challenge is to reach those people who are in the most difficult situations.

One consequence of our progress so far is that we have had to dig deeper, think more radically and re-examine what we are doing when we consider how we can tackle the more difficult areas. That is why we are publishing a series of reports that recommend different actions. The areas that my Department is reviewing include housing and planning policy, fire—it is still the case that 50 per cent. of deaths by fire occur in deprived areas—and local and regional government. We build our policies alongside local and regional government, and we have new tools at our disposal.

As I mentioned, a key to success is the local area agreement. By April 2007, every area in England will have a local area agreement whereby public sector partners will work with the voluntary sector and, crucially, the private sector to co-ordinate the approach in a meaningful way. If the money is joined up, power and decision-making tend to be joined up as well.

Success also requires people to take responsibility for themselves. At the end of the day, respect works two ways. That is why it is crucial that we work to empower people, and our neighbourhood empowerment agenda is central to that. That is an important part of the debate that we are having with the Local Government Association about the proposals that we will put forward in the spring, and about the potential funding and financing consequences that follow from that.

The SEU is taking steps to prepare us for these challenges; the "Improving Services, Improving Lives" document looked hard at improving service delivery to disadvantaged people, and that was just the first in a series of projects. However, if we are to eradicate exclusion, we need to look further by examining the root causes of persistent poverty and exclusion. To achieve real social inclusion, we will need to go beyond what we have done so far. I invite Members to join me in debating this issue.

3 pm

David Howarth (Cambridge) (LD): I thank the Minister for initiating this debate and for clearly explaining the Government's priorities and goals in this area. I am also glad that he began by defining social exclusion, although it struck me that it was not really a definition of social exclusion: he defined social exclusion as life below the minimum acceptable level, but I have always taken that to be a definition of poverty. I and my party colleagues would distinguish more clearly between inequality and social exclusion. We think that the Government have a duty to tackle both; they can both be considered problems that require political solutions. However, they are not quite the same thing—although one might lead to the other.

For me and most Liberals, social exclusion is essentially a political concept. It means that some people cannot fully participate as citizens and in political life because of the material and other conditions of their lives. Democracy cannot function unless people have more than just formal rights to participate in politics and government. They must have what the philosopher John Rawls called "the fair value" of their rights. That means that where people are unable to function as citizens because of poverty, ill health, lack of education or skills, fear of crime or discrimination, the Government have a duty to take corrective action.

Of course, one of those corrective actions could be redistribution of wealth and income. That is one way of tackling exclusion, although it is not the only one; there are other policy prescriptions. There might also be separate reasons for following redistributive policies, such as fairness. For example, my party is committed to the idea of a local income tax, which would have a powerful redistributive effect, but we are committed to it largely because it is fair rather than because it would help to tackle social exclusion in the sense that I have defined it, although it would have some effect in that regard. For us, ultimately, social exclusion means political exclusion. It is a form of political exclusion, and it needs to be tackled in and of itself.

That means that, from our point of view, there is a great deal to praise and celebrate in the work of the social exclusion unit. Under a Liberal Democrat Government, it might have a somewhat different focus, concentrating more on the political aspects of exclusion and perhaps not being quite so influenced by the underlying view, which I think I heard in the Minister's speech, that the best way to tackle almost any aspect of poverty is to get people into work. That is probably more the view of the Chancellor than it is of any other Member.

It seems to us that that is often the best way to approach such individuals' problems, but not always. The Government ought to remember that there is more to life than work, especially in the case of single parents. Forcing people into work could have adverse effects when it is not the best course of action from their point of view or from the social point of view.

In the past, the Conservative party has called for the abolition of the social exclusion unit. We do not share that view, nor is it our policy that the unit should be abolished. It is reasonable for the Government to spend public money on developing policies that are in line with their current political objectives. The social exclusion

unit has produced a good range of projects and ideas that further the Government's objectives, but we have some doubt about whether the Government are fully committed to implementing its ideas. That is the fault not of the unit, but of the Government. Are they as committed to tackling social exclusion as the policy prescriptions of the SEU suggest?

Let us consider transport. The unit's website states:

"Good transport links can help people to break out of social exclusion.

The key to success is helping connect people to jobs, schools, training, health care and healthy, affordable food. But making such key places truly accessible means more than improving trains and bus links; it also means improving local and national planning decisions, providing specialist support to help people get to work and improving design."

I agree. That is an excellent place at which to start transport policy, but to what extent does that objective influence the Government's transport policy as a whole? There is a section in "Opportunity for All" about transport, but it is pathetically brief and says in the main that local authorities should talk to other local agencies. But where will the resources come from to fulfil the goal as laid out in the social exclusion unit's documentation?

In my constituency, for example, central Government do very little to help local transport and improve local transport planning in the form to which the SEU refers. We are not a rural area, so the rural transport grant does not help us much. We are not a major urban centre either, so we do not always receive the help with major projects for which we might have hoped. Instead, Government policy concentrates on major road-building projects, such as the creation of a 10-lane A14 at the cost of £490 million, the main objective of which is to help the road haulage industry rather than to help the socially excluded to get around. The balance between road building and public transport, especially local public transport, does not seem to have been sufficiently influenced by the concept of social exclusion, as it should have been.

I come now to prisoners and reoffending. About three years ago, the unit produced an excellent practical and humane document on reducing reoffending by ex-prisoners. The paper "Opportunity for All" announced some pilot projects on reducing reoffending and giving help to prisoners' families to try to stop the cycle of criminality that the report observed. That is good news, although it has taken a rather long time to come.

To what extent does the SEU's approach affect the core values of the Home Office? Since 1996, 18,500 new prison places have been created, including 13 new prisons, yet still the prisons are full to bursting. Previous Home Secretaries seem to have been proud of the fact that they presided over record prison populations, but the question is whether that is compatible with the approach of the SEU. I think there is a serious tension.

Alistair Burt: Perhaps I might draw the hon. Gentleman's attention to another area of potential contradiction and doubt, where it would be helpful if the Government as a whole spoke with a clear voice. Are families in difficulties considered problem families to be afected by antisocial behaviour orders and grouped together in units under a degree of firm control or problem families who need help and assistance, as is indicated by some studies done by the unit? It is not always easy to be clear about what Government policy might be. A clearer voice might be helpful where there is a contradiction.

David Howarth: I am grateful to the hon. Gentleman for that intervention, which has provided another puzzling example. The SEU's work on antisocial behaviour is impressive. At some point, it talks about early intervention, but I doubt whether, in the SEU's terms, that would include ASBOs for under-10s.

I also want draw attention to the SEU document "Improving Services, Improving Lives", which is excellent and which provides good analysis and a starting point for action in considering the whole range of public services and how they can be arranged to help the socially excluded. The starting point for the analysis is the obvious but important point that socially excluded people are often more heavily dependent on public services than others.

In yesterday's debate on local government finance, I invited the Government to answer a question that relates to "Improving Services, Improving Lives", where there might be another tension. If public services are important—I think they are—in improving the lives of the socially excluded, what explanation do the Government have for what appears to be a financial settlement for local government that will provide, outside the education field, an increase of only 1.5 per cent.?

Surely that will put severe strain on a range of services, which "Improving Services, Improving Lives" considers important to the condition of many people's lives, including housing, youth services and services in relation to antisocial behaviour problems, which we have just been discussing. A below-inflation increase for local government, especially for district councils, will put pressure on the public services that need to be examined from the point of view of social exclusion.

That is a short-term point. I want to return to longer-term aspects of the document. I approve of its emphasis on building communities, which is a concept familiar to many of us who were brought up in the Liberal party's community politics tradition. That was ridiculed at the time as pavement politics, but is now becoming mainstream. I am glad that the SEU is part of the mainstreaming of those ideas.

The issue involves not just whether what has come to be called "clean, green and safe" is at the top of the list for many local communities, but creating a sense of achievement for local people so that they feel that their political priorities and campaigning can bring about change. The document takes that up. That is important because political exclusion is about not only voting, although we will have a long discussion about that next week in relation to the Electoral Administration Bill, but the extent to which people take part in protests and campaigns for change and the barriers they face in taking part in politics. They are not just resource barriers.

There is a psychological barrier that is related to discouragement. The key concept is efficacy. People will take part if their experience is that previous campaigns and protests in which they were involved have worked and changed their lives. I could give examples of protests

[David Howarth]

that did not change Government policy and which led to a good deal of disillusionment, although I suppose that this is not the time to mention the protests against the Iraq war. When people are consulted and when their views are taken on board as part of the process that the document describes, it is important that those carrying out the consultation bear it in mind that consulting and then ignoring—or appearing to ignore—what people say can have an adverse long-term effect.

A key point about community politics—perhaps it has not quite become mainstream in the same way as other concepts, but there are hints of it in "Improving Services, Improving Lives"—is that building a community should entail consideration of what sort of community is to be built. What sort of political values should a community use and embody? I am pleased that a key theme in the document is respect—not respect in the terms in which the Prime Minister has been talking about it, but a different sort of respect to which the key is the extent to which public officials respect all citizens in their everyday interactions. The key message in the document—I urge the Government to take this on board as much as possible—is that respect, above all, means treating everyone as a rational being and as a person capable of making their own decisions. In a sense, that is what political freedom is about.

That brings me back to the theme of the tension between what the unit proposes and other aspects of Government policy. The document quotes an NHS patient as saying that their doctor puts them "on an egg timer". That is their experience of meeting their family practitioner and it is the experience that many people have had when using many aspects of the public service. The question is, why do people have that experience with public services? One obvious answer is the culture of targets and the Government treating public service workers and professionals as assets to be sweated, as opposed to workers and professionals in their own right.

The document also talks quite rightly about the principle that public agencies should not be seen to manipulate their clients or public opinion. It is important that someone is treated as a rational person with regard to the choices they are asked to make. However, there is a clear tension with other aspects of Government policy. The obvious example is the fourth option for council housing. Providing people with only three choices, none of which is acceptable to them, is an example of manipulation and the sort of thing that the principle of non-manipulation would rule out. In fact, when councils approach such ballots by simply giving information to tenants and asking them to make up their own minds, they often find themselves criticised because the Government policy is not being pushed more. Again, that demonstrates that there is a serious tension between things that the unit proposes and other aspects of Government policy.

It is not enough to consult people on how their services are to be delivered. One must also consult on which services should be delivered. In my own city, many years ago, the then Labour council piloted some of those ideas and had something called the neighbourhood community plan. People in one area of the city said that they wanted a better bus service for their neighbourhood, but the council told them they could not have a better bus service as part of the neighbourhood community plan for the simple reason that supporting public transport was against the policy of the ruling group, which thought it was somebody else's responsibility. That is precisely the approach that breeds disillusionment and disengagement, and precisely the type of political exclusion that should be the focus of the SEU's work.

My point about improving services and lives relates to something the Minister said. I remember making this point in Westminster Hall before the summer break, but it bears some repetition: there is a danger in over-targeting public services. Redistribution can happen most effectively and transparently through the tax and benefits system, and we as a party have no problem doing that. However, there is a temptation for politicians who believe in redistribution and equality, as the Minister clearly does, not to want to be caught talking too much and too directly in public about that most direct form of redistribution, but to try to do redistributive politics indirectly by stealth through the differential delivery of public services.

I have no problem with the SEU's approach, which ensures fair and universal access to public services. I take it that that is what "Improving Services, Improving Lives" is about, and it is welcomed, but I counsel against going too far down a different route. I accept that targeting is the Chancellor's favourite device, but it must not be allowed to undermine the concept of the universality of public services. Public services need consent throughout society. If they are not considered available to all, there is a danger that they will lose that consent.

It is important for public services to remain popular with the whole population, and for them not to become associated with helping particular groups alone. The national health service, for example, will not survive if it is perceived merely as a social safety net. The same applies in education, including higher education, and in transport.

There is still some tension in Government policy, which the Government need to recognise. They must recognise also that often the tension leads to pressure for more spending. That tension is between a desire to focus the assistance of public services on those who need them most and the desire to widen the consent for and participation in public services by maintaining levels of use in the entire population.

I repeat that we as a party find much of the SEU's work to be praiseworthy, and beyond that to be excellent and inspiring. The question for us is the extent to which the Government are committed throughout government to that view.

3.23 pm

Alistair Burt:

"I don't usually go out with my friends . . . If they arrange to do things and I haven't got the money I say no I can't do it, I ain't got enough money. Some of my friends are, 'Oh I will pay for you', but I don't like to take their money either, so I say no don't worry I just won't come."

I thought that as we have all commenced with a sense of what social exclusion is, Laura, a 15-year-old young lady who gave her comments to the Child Poverty

Action Group, might in her own words encapsulate what we all feel. She feels a sense of exclusion, and she puts it very well in her own words.

Mr. Bercow, good afternoon, and welcome to the second in a series of social policy seminars, so ably conducted by my colleagues the Minister and the hon. Member for Cambridge (David Howarth), who have both made typically refreshing speeches. This atmosphere and topic seem to suit a particular approach, which the Minister ably demonstrated. He showed a refreshing non-partisan sense and an ability to look at past commitments and current achievements and problems in a very honest and straightforward way, which I shall do my best to reflect. The hon. Member for Cambridge (David Howarth) made a thoughtful contribution. There is so much to talk about in relation to this subject that picking out areas for discussion is important, and I shall comment on one or two aspects.

I appreciate the Minister's highlighting of previous Conservative policy, but in the current atmosphere of "leadership lite" in my party, which may only have about two hours to go, and while the eyes of the *Daily Telegraph* are firmly fixed on Room 14, I would like to say that the hands of the centre-left are firmly gripping the reins of this part of policy and I shall give it full welly in order to stake my claim to this area for a period of time to come.

I welcome the work of the social exclusion unit. I am pleased to see it. Its breadth, which both the Minister and the hon. Member for Cambridge have mentioned, has been enormously useful in modern-day politics and gives a strong sense of what the new politics is about, which is an understanding that beyond economics and the built environment, what people experience and feel in their everyday lives is of huge importance and of more importance in traditional politics than it used to be. Although social exclusion is a relatively new concept in UK politics, as the Minister and the hon. Gentleman have indicated, we all know what it is, and it has been around for a depressingly long time.

The poverty map of the United Kingdom since industrialisation shows little change and although definitions and categories of exclusion may change from time to time, a little bit like 15-year-old Laura, we know it when we see it—or at least we think that we do. One of the benefits of reading the work of others who are experts in the field, as those who produce papers for the unit are, is that we occasionally find something that we missed. Social exclusion is about much more than income poverty. The definition used by the unit on its website is:

> "Social exclusion happens when people or places suffer from a series of problems such as unemployment, poor skills, low incomes, poor housing, high crime, poor health and family breakdown."

When such problems combine, they can create a vicious cycle. It is that sense of the complex nature of problems that affect those who are socially excluded and the multi-layering of difficulties that makes it so difficult to crack the problem. That is why we have to have long-term goals and proceed piece by piece to deal with the problems.

Social exclusion is a twin tragedy. It is a tragedy for the individuals who are caught up in it, who find their own lives blighted through a lack of aspiration and achievement. They may live in workless households and their talents and futures go to waste. As the Minister said, ill health and early mortality are closely associated with such experiences. The Child Poverty Action Group reports that, according to 2004 figures, those not receiving free school meals perform twice as well as those who do. Children from poorer backgrounds are five times more likely to die in an accident and, grotesquely, 15 times more likely to die in a fire.

The second tragedy affects all of us. Those unfulfilled hopes and dreams affect everyone in society. They are a loss of talent to the nation in bored and unfulfilled lives and in the economic cost of repair to fractured lives. Let us be clear in all the parties that we all have an interest in the issues relating to social exclusion and in alleviating symptoms and causes. Conservatives want to see the talent in our people released, the barriers to fulfilment overcome and the best possible public services available to all.

Despite the efforts of the Government, the problem of social exclusion does not go away. The existence of the unit cannot banish it, and it must be concerned that on some crucial issues such as social mobility and access to higher education for those from the poorest backgrounds we are making so little progress that in some places we are in danger of going backwards.

So what is not working? My own commitment in this area goes back to my work on low incomes, benefits and poverty as a Minister in John Major's Government and my time as sponsor Minister for the cities of Manchester and Salford in the mid-1990s when pioneering work on city challenge schemes brought together physical and social regeneration in some of the most disadvantaged parts of the country—work that has been ably built on by local councils, the independent and voluntary sectors and this Government.

As the Minister was honest enough to admit how his party viewed the income and equality gap in the years before it came to government, let me also make an admission. In about 1992, when I became a Minister, I submitted a paper to Downing street—not through the departmental network but through the political network—about whether we should adopt an anti-poverty strategy, of which many were in existence at local authority level. To my great regret, we decided not to do that, partly because results were difficult to measure, and partly because the initiative would have been a hostage to fortune. If we could not have measured results and shown that we had definitely succeeded, the outcome was bound to be failure, and the Government were understandably nervous about setting themselves up for that. I am sorry that we did not adopt the strategy. In many ways, the social exclusion unit and the focus on exclusion and poverty are answers to the concerns that I raised with my colleagues at that time. It is nice to be able to look back on the past, be honest about it and move on in a different way in the future.

Although the Minister and I agree on the issues, it is not unnatural that we may disagree on other matters such as underlying causes, the emphasis to be placed on individual aspects, where research might be targeted and where policy might drift in order to counter the worst problems. Our approach to the respective merits of state or independent provision may differ—that is all right

[Alistair Burt]

and proper. No one should mistake our concern for those left behind in an otherwise wealthy community simply because we differ on our approach.

The Minister described the problems that he believed his Government inherited when they came into office, and they were pretty fierce. That was the only time when he was somewhat partisan. Again, if I concede that the perception of Conservative Governments was that they did not understand the social problems that their economic policies were causing, perhaps he might agree that the necessary economic changes that we made in the teeth of a great deal of opposition laid the base for the growing wealth of the country that was evident from 1993 onwards. Those changes enabled his Government to address some of the issues that they are tackling. The improvement in the employment situation, which began before the Conservatives left office in 1997, has continued. There is no doubt that more work in society and at home is, despite the reservations of the hon. Member for Cambridge—I understand his point—a key indicator of how people can escape poverty in the normal course of events.

Having stated that, let us continue with the social exclusion unit and discuss what we agree on before I apply a sharper sword in an effort to help the Minister. If I am on his tail in the way that I want to be, it may enable him to say to his colleagues, "We need to do a bit more." The hon. Member for Cambridge and I will be chasing him, not because we do not like the SEU but because we think that it could do more.

"Improving Services, Improving Lives" is helpful as a pathfinder for change. There is not much in it that is of surprise to those who have experience of public services. We are told that the unit can identify various disadvantaged groups—those with low levels of literacy, disabled people and people with long-term health conditions, people from certain ethnic minority groups, young adults with complex needs, excluded older people and disadvantaged people who move frequently. Such groups have difficulty accessing services for a variety of reasons including poor communication skills, problems with front-line staff and worries over self-esteem and capacity. The document sets out the issues in more detail, looks helpfully at localised examples of how some agencies are tackling the problems, and promises to return with action plans to assist better delivery. It is in those action plans that the rubber will hit the road.

The problems identified in the document should be well known to Departments, which should have strategies in place to cope and will have spent significant amounts of money already. The concerns are not new. When I had responsibility for the Benefits Agency, we spent a lot of time listening to customers and trying to make access easier. The hon. Member for Cambridge rightly pointed out one of the regular frustrations that still exist, which is the attitude of staff on some occasions to those who come before them and the perception of a lack of respect. It is very difficult for those in busy, front-line occupations to show respect when the pressure on them is huge. As the hon. Gentleman rightly said, the addition of targets and quotas and the feeling that they are accountable not to those who are standing in front of the counter there and then but to people who will be auditing and checking their work may be significant.

I would like the social exclusion unit, as well as offering helpful suggestions as to how the problem could be tackled, to be clear and sharp enough to offer a critique on what is already happening. It needs to be a bit fierce and to have some independence to be able to do so. The unit could begin to think of itself as a think-tank and a campaigner—a rapier on behalf of the public—instead of simply an arm of Government. I shall develop the idea later, but I shall be interested to see the action points that are about to come out of that very good paper.

I really liked "Transitions", which was published in March. The document came from the unit that is looking at problems affecting young adults. For all of us who have contact and work with young adults who have difficulties there is much in it that is familiar, especially the multi-layered nature of the difficulties that many face and the problems of trying to connect people across different agencies. I was particularly taken with a comment on a questionnaire response that:

> "Many of the young people we support have extremely poor social capital. In particular they suffer from a lack of a supportive adult. This is particularly noticeable in over 19s."

The paper was very useful. It was an example of how the reach of the unit across such a broad range of Government and local agencies could really make a contribution. As I said earlier, I want to encourage the unit to consider being a bit sharper with the Government.

Could the Minister tell me when he winds up—if that is not appropriate, perhaps he could drop me a line—how he measures the unit's success, in terms not of individual successes but of whether observation of bad practice in other Departments is resulting in significant changes and understanding of why things went wrong in the first place. Does he feel that the unit wields a scalpel?

The Minister quoted the Prime Minister in his initial speech about setting up the unit. Has he lived up to his promise to attend summits? At the outset of the work he said that he would steer the work of the unit personally and chair regular meetings with Ministers to review the initiative. Has he done that, and how many such meetings has he attended during the past year or two years?

There is no doubt that there are good initiatives and many plans, but what about a really keen analysis of the original objectives? I make no bones about this. The objectives are difficult and all too often, but not in this Chamber, the Government spray statistics around about what has worked and pay less attention to things that have gone poorly. Today, the Minister has not done that. I wrote down several phrases, but I will not read them out because I do not need to. I appreciate that. However, some key targets that were set for the unit have not been fulfilled and I hope that it will revisit them as time goes on. The track record on rough sleeping has been good, but the homelessness record has not been quite so good and the number of homeless people has risen sharply.

When Peter Mandelson first commented on the work of the unit, he talked about the problems of bad schools, truancy and low educational standards. Again, targets

on those problems have not quite been met. Can the social exclusion unit reach into the Department for Education and Skills and remind it of those early targets to drive up performance still further? I suggest that a degree of independence on the part of the unit would be helpful. I wonder what autonomy the head of the unit has to initiate her own inquiries and inquiries by the unit.

Let us consider a bureaucratic mess that has had a direct impact on those experiencing poverty and exclusion: the family tax credit scandal, which has been of immense harm and damage to families who have been waiting for help. All MPs deal with cases of those who have given their details to the authorities and expected something to come back, argued with the authorities about how much was owed, received money, been told that the amount was wrong, and then been asked to repay it for their pains. It has been a real mess. What damage is done to recipients when bureaucracy goes that badly wrong?

Does the unit get an opportunity to tell the Minister, "We'd like to do a study into that," or are things more top-down, with the unit doing what the Minister and the Office of the Deputy Prime Minister ask it to do? Could the unit, for example, take an interest in the impact of problems such as the family tax credit scandal on those who receive public services?

Does the social exclusion unit have a role to play in looking into the stubborn problem of why people who should be in receipt of income support do not get it? That is a persistent problem; it was a problem during my time in the Department, and still is.

Will the social exclusion unit take a look at Sure Start? We are on tricky ground here, but I will be straightforward. The Minister brought Sure Start forward as a flagship, and it is a flagship, but there is a question mark above it. The Minister will be as aware as I am of the recent report by Birkbeck college, which casts some doubt on the scheme's achievements and evaluation. I am not denigrating the scheme—its aims and motives are good—but we have to move away from the idea that when a critical report appears and the Opposition latch on to it, it is an opportunity to knock back the Opposition and say that they do not care. We do care. However, a lot of money—some £3.1 billion—has been spent on the scheme since its launch in 2001.

An article on the study by Birkbeck college said that

"Sure Start as a whole failed to boost youngsters' development, language and behaviour. It also showed children of teenage mothers did worse in Sure Start areas than elsewhere."

The head of the study, Edward Melhuish, said:

"To some extent we are reporting these results now because of the political pressure to do so. The government wants evidence to inform the new policy of children's centres and so they are trying to squeeze anybody with information."

Mr. Woolas: Surely not.

Alistair Burt: Rare and unusual though that would be, as the Minister rightly acknowledges, that was the feeling of the head researcher.

The impact of Sure Start in some of our most disadvantaged areas should be, and ought to be, extremely good. If it is not, even though a lot of money is being spent, has the social exclusion unit any view as to how the money may be better directed? Of course, it is early days for Sure Start and there will be further reports, but I would be interested and reassured to hear that the unit was paying attention to the subject in the effort to connect up government, and not letting it go by.

There are three further areas of study that I would like the Minister and the unit to consider. As the unit has such a wide, overarching remit, could it examine the role of the independent, faith and voluntary sectors, and the effectiveness of small-scale projects in tackling key social challenges? In every area of its remit, the unit will have come across these very small organisations. Indeed, it has written positively about their contribution in a number of its publications. However, too often, those sectors feel that the overwhelming presence of the state crowds them out. A comprehensive review of their role in combating social exclusion would give them a boost and enable the country to see how much is provided by those individuals whose often voluntary effort is truly the glue of an effective society.

Secondly, we remain sceptical that the economic answer to the problems of urban deprivation is to demolish parts of the north and concrete over the south of England. Local urban revival is the key to sustainable growth and localised jobs. Would the unit consider setting up a project to examine the barriers to such localised growth and the impact of the Government's policy on urban disadvantage outside south-east England?

Finally, let me deal with the toughest nut of all. The Minister talked about digging deeper and thinking more radically, so let me ask him this question. What role does the unit believe family and relationship breakdown in the UK plays in long-term deprivation and social exclusion? The Minister and the unit must now realise, after so many of its projects and researches, that such breakdown has had a catastrophic effect, that it is getting worse, and that there are no substantial policy initiatives to address it. There are initiatives to ameliorate the symptoms and to compensate for the losses incurred, but that is not enough.

Will the unit examine what role, unwitting or otherwise, the tax and benefit system is playing in making it hard for couples to stay together? Spending a fortune on relationship breakdown is no good if we spend so little on efforts to ensure couples with children stay together—provided that there are no issues of abuse or violence—thereby significantly improving the life chances of the children. What are we really doing to address the social disaster of fewer male role models in the homes of adolescent boys?

Years of study have now made it clear just how damaging relationship and family breakdown is. The Government, and politicians in general, have no right to tell people how to live their private lives; as a member of my party, I make that absolutely clear. However, when we have evidence of harm being done to the vulnerable, we have an obligation to do more than merely apply a plaster over a gaping wound.

The Government, the Opposition and Parliament cannot tiptoe around this matter for much longer. I would welcome the unit taking a look at it. If it were to make clear the urgency with which it should be examined because of its impact on other social exclusion issues, it would be doing itself, the Government and all of the rest of us a favour.

[Alistair Burt]

There is now a new climate in which to discuss this subject, and we should take advantage of that. I refer the Minister to a debate we had in this place in the summer and another last December, in which Ministers and the spokesmen for the Liberal Democrats and my party looked at family issues slightly differently from previously. The new climate provides us with an opportunity. This matter needs to be looked at, and I would like to feel that we could start to do so.

I am glad that the SEU exists, and I wish it well. I look forward to its being bold and effective, and also to its making my life uncomfortable when it reports to me.

3.48 pm

Mr. Woolas: I thank the hon. Member for North-East Bedfordshire (Alistair Burt) for taking part in this debate in such a constructive fashion. Our discussion has brought out some underlying philosophical differences of approach, but also a shared goal. I welcome that, and I will respond to the points raised either now or later in a similarly constructive spirit.

However, I wish to add a rider. I read John Rawls when I was a young man. I was not convinced then, and I am not convinced now, mainly because of what I see as a misunderstanding over the nature of positive and negative freedom, although this is perhaps not a good time to enter into such a philosophical argument.

The central point made by the hon. Member for Cambridge (David Howarth) is about the importance of political exclusion. I do not deny its importance in the broad sense—not just in terms of participating in voting and traditional politics, as he acknowledged—and neither does the Government policy deny that. However, I think both he and I would use the term "engagement in civic society," but that he would put more emphasis on it, which reflects a difference in philosophical approach.

One thing that drives our work is the research that shows the growing equality gap between the well-off—whose participation in civic life is increasing through new technology and the internet; they also tend to be more articulate and aware—and the socially excluded. Voter turnout in that bottom decile is the most worrying, particularly among the young. I disagree with some of the Electoral Commission report that was published this week, but on that point I strongly agree with it.

The hon. Gentleman made constructive criticisms of a 10-lane road in his area. I am sure that there are pockets of social exclusion in his constituency and that he goes to them and knocks on people's doors to ask them to stick diamond-shaped yellow posters in their window. Then again, perhaps he does not; perhaps he thinks that would lose him votes. That is an interesting one.

On the serious point, the 10-year transport plan does not emphasise roads at the expense of public transport; it emphasises integration. Road developments are taking place to relieve pinch points, rather than create new capacity. That lesson comes from the M25. One example, which admittedly is not in the report—I should have read the draft more closely—is the announcement of the concessionary fares scheme. There are many examples of handy ride schemes and so on, although I admit that the situation is not perfect.

The hon. Gentleman made an important point in asking whether the work of the social exclusion unit affects the core values of the Home Office. That is a very intelligent question and I acknowledge his point. I genuinely think that it does. None of my colleagues in the Government are proud of the record number of prisoners; we are proud of the record fall in crime. Sometimes the hon. Gentleman's party does not see a connection between the two statistics, but there is one. In part because of policy and in part because of the efficiency and financial savings for the country resulting from the social exclusion agenda, Home Office policies work. Drug treatment programmes in the Prison Service are among the best examples of that and they are comprehensive, I understand, in respect of the compulsion of drug treatments. That is just one example, although I acknowledge the point that the hon. Gentleman made. Perhaps he was making a point about the institutional culture of the Home Office.

Let me address the important issue of targets, to which both hon. Gentlemen referred. There are too many targets and there is too much of a regulatory burden on the people right across the sector whom we ask to help us on social exclusion. However, we need to be clear about what a target is, and both hon. Gentlemen gave examples. It would be easy not to have targets. The hon. Member for North-East Bedfordshire made a confession, or told a story, about the dangers of having a set-out, targeted anti-poverty strategy. There are dangers in having targets, and the political animal in me—the Whip in me—would say, "Don't have any. If targets are meaningful, we will not get them 100 per cent. right. If they are easy to reach, why bother having them? Aren't we setting ourselves up as a patsy? Aren't we inevitably going to get a headline that says, 'Government Fails to Reach Target'? Yes, we are."

As the Prime Minister said in his speech last Saturday, we seek respect, not affection. That is how we wish to be judged in the round—on whether the system is working. However, in admitting that there are too many targets, we must also understand their value: they focus public sector management and provide useful public information.

The hon. Member for Cambridge also accused the Government of redistribution by stealth. I heard that interesting phrase at my own party's conference. One delegate said, "If you are not going to redistribute in public, couldn't you at least do it by stealth?" Our point is not to redistribute by stealth; we want everybody to be better off. We want social justice and economic efficiency. We do not have a policy that is pursuing envy, but we do have one that is pursuing prosperity and involvement for all.

Alistair Burt: May I interrupt the Minister before he leaves targets? Perhaps I am speaking through him to the unit as it continues its work on improving services. One thing that has become clear is the importance attached to a particular Government target—for example, two days to see one's general practitioner. There is a difference in perception between what Ministers would like and what receptionists and people in surgeries believe. That is one example, but the culture exists elsewhere.

To achieve the objectives that the Minister and the Government want to achieve, that perception must change so that people do not feel that if they are responsive to a patient or someone looking for a service, they are hurting themselves, their unit or their organisation because they will be unable to put a tick in the right box. That culture has seeped into the relationship between front-line-staff and the public, and if that is not the intention, it needs to be cleared up. We talked to people in the public services at front-line level and in different parts of the administration, and that is what they sense. It would be helpful if the unit addressed that.

John Bercow (in the Chair): Order. Members must exercise a self-denying ordinance and ensure that their interventions are brief.

Mr. Woolas: Thank you, Mr. Bercow.

I have two points to develop. Another charge against targets, which I have heard the hon. Member for North-East Bedfordshire make before, is that they distort other things. It is said that if we target waiting time in accident and emergency, we make unintentional management changes elsewhere down the line.

Another charge is that targets can be naive about human behaviour. The other day, it was put to me that a target of dealing with a planning matter in eight weeks would mean that all a planning officer had to do was send everything back before he started looking at it, with awkward questions for the applicant. The target date would then not trigger for three weeks. That belief exists, although I have never known planning officers to do that.

That is why the advantage of targets, which I have tried to explain, must be balanced by a pragmatic consideration. A target owned just by one individual, group or sector in the public sector—one silo or accountable funding line—is not good enough. The target must be shared across the piece and that must be meaningful—money must follow it. That is the key point about a local area agreement.

The hon. Gentleman highlighted some targets and questioned progress. I invited him to do so, so I cannot criticise him for that. Progress on the targets on homelessness—those relating to rough sleeping and the bed and breakfasts—has been good. Increases in the broader definition of homelessness that have taken place in some parts of the country are not, in that context, a consequence of the target. The success on the targets I mentioned came about because we were able to share them across different agencies.

Similarly, total absences for truancy have decreased for four years, to a record low of 6.45 per cent., but people would not know that from the press coverage, which highlighted a statistical rather than a policy debate. That target in reducing truancy in part comes about because it is shared by the police, schools, local education authorities, the health service and other local authority services.

Educational attainment has improved. We all know that that is not just a function of teaching; it is a function of lifestyle, of preparedness and of family stability. I will address that important point. We believe that getting the balance right in terms of targets is the right approach. A Lancashire colloquial way of putting that is, "Don't throw the baby out with the bath water." I use that expression because it makes it more difficult for the hon. Gentleman to disagree with me.

I like the point about the think-tank and the campaigning group. I like to think of the SEU as being, certainly not arm's length, but alongside, although within, government. It is not, and should not, be seen in the same way that a traditional section of a Department is seen. It has to be open with its partners in respect of gathering research and sharing information. It has to be free to come up with ideas. It has to be able to publish reports that are critical, and if the Government are not strong enough or do not have broad enough shoulders to accept the consequences of that, we should not be paying taxpayers' money for it. Therefore, I like the concept put forward by the hon. Gentleman.

There was a delicious irony in me being passed a note to answer the question whether the unit is autonomous. It is autonomous in this sense: it has put proposals to Ministers and, interestingly, its work programme has to be signed off by the Deputy Prime Minister and the Prime Minister. That is not something we keep within the Department; it is cleared at the highest level of government.

Work that has been done on issues such as mental health and excluded older people has come from work done within the unit—from the evidence it has collected on other projects. That is a great strength of the unit, but the Government must ensure that it meets the challenge the hon. Gentleman has set: do its recommendations genuinely get taken up? I will be straightforward—as ever, I hope—by saying that part of my purpose in initiating this debate is to put on the record the strategies of the SEU, because I want its recommendations to be taken seriously.

I could mention many examples in that regard. I will not labour the point, but I want to highlight some recent comments by the Secretary of State for Education and Skills on the drivers of social mobility and educational attainment:

> "Our ambition must be to reduce the negative impact that a disadvantaged social background may have on educational attainment at all stages, particularly the early years and school years."

That is a core part of the policy of the Department for Education and Skills, and it is driven and informed by the work of the unit.

The hon. Gentleman asked whether the Prime Minister is personally involved. As I have said, the SEU work programme is signed off by the Prime Minister. Indeed, he is heavily involved in shaping our plans for the roll-out of the current work programme. In September 2004, he chaired the "poverty breakfast" with the stakeholders—am I allowed to use that word, Mr. Bercow?

John Bercow (in the Chair): The Minister may.

Mr. Woolas: I am very grateful. These words sneak into the language, do they not?

The Prime Minister personally launched the "Breaking the Cycle" report, and the SEU's current work programme was conducted like a seminar or

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summit, with the Prime Minister's involvement. Therefore, I am delighted to be able to answer the hon. Gentleman's question in the affirmative.

Alistair Burt: There are too many meetings.

Mr. Woolas: It seems that we cannot win in that regard.

The hon. Gentleman concluded his thoughtful speech by making some suggestions for the future. I shall certainly respond to his requests. I am particularly interested in his third point, because he said something important. It is clear to us all, and from the evidence and analysis provided by the social exclusion unit, that stability in a child's life is a key driver. I wish to share with hon. Members the early findings of the asset inequality report. The most important point is the understanding that the accumulation of an asset—whether financial or personal, or an examination—is a key driver in establishing acceptable and stabilising behaviour. I do not wish to sound patronising, but every parent and schoolteacher knows that.

Let us examine the hon. Gentleman's point about the importance of the male role model in particular. Government policy is, of course, not intended to discriminate against marriage or family. Sometimes, I have to acknowledge that, unintentionally, it may seem to do so and, on occasion, probably does. The policy is for a stable and normal environment for children and young people with difficult lives.

I thank you, Mr. Bercow, for your chairmanship, as well as hon. Gentlemen for taking part in the debate and taking the work of the social exclusion unit so seriously. I give a commitment to do my best to promote its work and recommendations across government and the public services.

Question put and agreed to.

Adjourned accordingly at seven minutes past Four o'clock.